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ABSTRACT

Developed by the State Division of Vocational Education, this learner's manual is designed to provide law enforcement officers with a better understanding of the many problems involved in providing good law enforcement services. The objectives of this program are to determine local, county, regional and state needs, to implement a program to meet these needs on a continuing basis, and to improve the competencies and skills of local law enforcement personnel. Line drawings and photographs supplement the text, and space is provided for writing in notes. A sample of the 37 topics include: (1) Handling Felonies, (2) Arresting, (3) Crime-Prevention, (4) Report Writing, (5) Emergency Care-First Aid, Standard Red Cross, Child Birth, (6) Liquor Law Enforcement, and (7) Narcotics. A 63-item appendix and a bibliography provide resource material. A related document, the instructor's manual, is available as VT 013 940 in this issue. (GEB)

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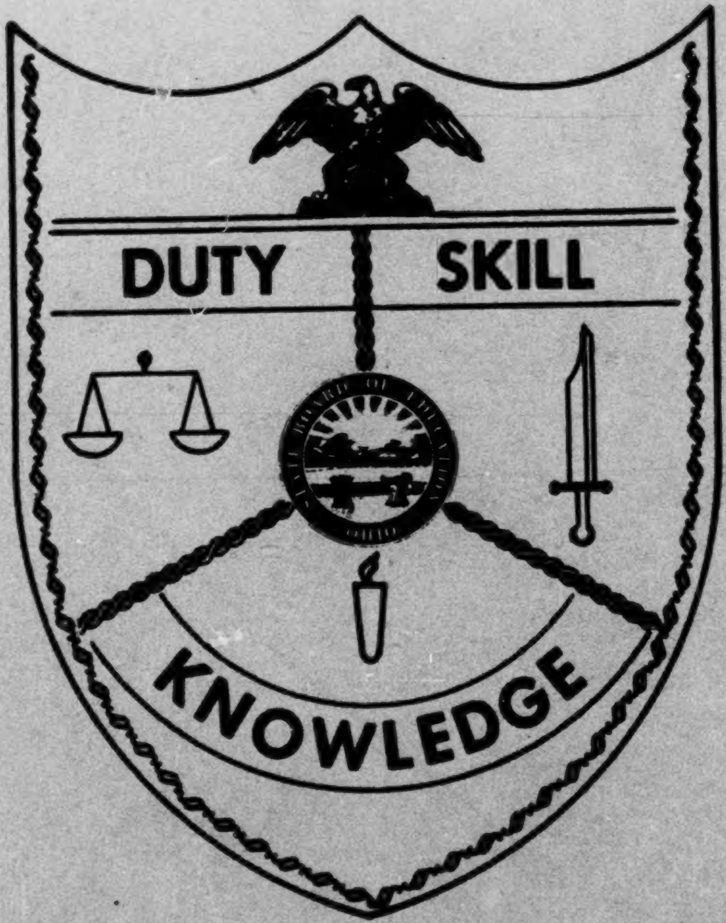
LAW ENFORCEMENT OFFICER TRAINING

BASIC COURSE



VT013941

Learner's Manual

OHIO TRADE AND INDUSTRIAL EDUCATION SERVICE

DIVISION OF VOCATIONAL EDUCATION
STATE DEPARTMENT OF EDUCATION
COLUMBUS, OHIO

ED056175

LAW ENFORCEMENT OFFICER TRAINING

BASIC COURSE

DUTY SKILL

KNOWLEDGE

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Learner's Manual

OHIO TRADE AND INDUSTRIAL EDUCATION SERVICE

DIVISION OF VOCATIONAL EDUCATION
STATE DEPARTMENT OF EDUCATION
COLUMBUS, OHIO

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Preface

The State Department of Education has been instrumental in providing training in skilled and technical occupations to the citizens of Ohio since 1918, through the Trade and Industrial Education Services, Division of Vocational Education.

Training in trade and industrial education enables individuals, both male and female, to prepare for initial employment in a trade, technical or service occupation. In addition, it enables employed workers to upgrade themselves and advance in their chosen occupations, and retrains those who are temporarily unemployed.

In the adult category, special emphasis is placed on training for public service personnel, such as fire fighters, rescue and emergency personnel, school bus drivers, custodians, hospital housekeepers, electric linemen and law enforcement officers. The purpose of this training is to upgrade the services rendered to the citizens of a community by improving and providing additional skills and/or knowledge, thereby resulting in more efficient and effective services.

The cost of crime and traffic accidents, including the human suffering resulting therefrom, is an enormous waste of every community's resources. A well trained and efficient law enforcement officer is probably the most effective means of reducing this human toll and suffering.

The Law Enforcement Training Program of the Vocational Trade and Industrial Education Services in Ohio is intended to provide training to officially designated law enforcement agencies. The purpose of this manual is to supplement this organized training program planned to provide the law enforcement officer with the skills and technical knowledge essential in carrying out his duties. It outlines methods of effective operation which will enable each officer to recognize the importance of his position within the law enforcement agency and to stimulate the officer in performing his service with pride.

The Law Enforcement Officers Training Program and this publication are provided through the cooperative efforts of the Trade and Industrial Education Services, Vocational Division, State Department of Education; College of Education, The Ohio State University; The Ohio Association of Chiefs of Police, The Buckeye State Sheriffs' Association, and the public schools of Ohio.

Martin Essex, Superintendent of
Public Instruction

Byrl R. Shoemaker
Director of Vocational Education

Foreword

The Law Enforcement Officers Training Program was developed by the Trade and Industrial Education Services, Division of Vocational Education, to meet the needs expressed by the Buckeye State Sheriffs' Association and the Ohio Association of Chiefs of Police, for an effective training program.

This training program is designed to provide law enforcement officers with a better understanding of the many problems involved in providing good law enforcement services. It presents practices which have been used successfully in organized training programs in various sections of the country.

In former years, law enforcement services were primarily concerned with enforcing a few state and local laws, controlling a comparatively small number of vehicles, and effecting the arrest of local violators. New officers were often placed on duty without receiving adequate training, necessary supplies and equipment. This frequently resulted in ineffective law enforcement services. Fortunately today, ineffective practices are not as prevalent as they once were. The recent increase in the number and variety of laws, increase of ownership and use of vehicles, the growth of urban areas, and the demands of a better educated public has led Ohio to recognize the need for training in the knowledge, skills and services of a specialized nature. The Ohio Law Enforcement Officers' Training Program should help communities provide more effective and efficient law enforcement services.

The objectives of this training program sponsored by the Trade and Industrial Education Services are as follows:

1. To determine local, county, regional and state needs and to implement a program to adequately meet these needs on a continuing basis.
2. To improve the competencies and skills of local law enforcement personnel.

The state supervisor and the law enforcement training staff within the Trade and Industrial Education Services utilized a State Law Enforcement Advisory Committee in order to determine the previously mentioned objectives; the principles and policies for the law enforcement training program; and the manner in which it is conducted in Ohio. This advisory committee is composed of representatives from The Buckeye State Sheriffs' Association and The Ohio Association of Chiefs of Police, Incorporated.

A comprehensive training program for law enforcement officers is being implemented. The following types of training are now available:

- Basic Training
- Advanced Training
- Regional Law Enforcement Institutes'
- State Law Enforcement Institute
- Arson Investigation

- Officer Leadership Training:
  - Instructor Training
  - Conference Leadership
  - Effective Speaking
  - Human Relations
  - Job Methods

The intent of this manual is to provide the necessary instructional material, which will serve as an up-to-date and comprehensive source of information, covering the practices and techniques of the procedures included in the Basic Course. Instructional materials of this type are the key to conducting an effective and efficient training program.

It is our sincere desire that law enforcement officers throughout the state will realize the ultimate benefits to be gained in an organized state training program utilizing this manual and its procedures.

Harry Davis, Supervisor
Trade and Industrial Education Services

Acknowledgments

The Trade and Industrial Education Services acknowledges the cooperation and contributions made by the various persons in devoting their time, and giving advice and council in the development of this manual.

Special acknowledgment is extended to the members of the State Advisory Committee for Law Enforcement Training, and to the two statewide organizations which they represent, for their encouragement and assistance in the development of this material and the overall training program. Members representing the two organizations and consultants to the committee are as follows:

The Ohio Association of Chiefs of Police, Inc.
  John Long, Chief of Police, Marion, Ohio
  Robert Temple, Chief of Police, Circleville, Ohio
  Harold Miller, Chief of Police, Xenia, Ohio

The Buckeye State Sheriffs' Association
  George Papadopulos, Sheriff, Stark County, Ohio
  Tom Fasula, Sheriff, Ashtabula County, Ohio
  Dwight E. Radcliff, Sheriff, Pickaway County, Ohio

Consultants to the committee
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  Dr. Byrl R. Shoemaker, Director, Division of Vocational Education, State Department of Education, Columbus, Ohio
  Robert S. Takacs, Consultant, Law Enforcement Training
  Harry L. Smith, Specialist, Law Enforcement Training

Acknowledgment is extended to the various associations and companies who granted permission for use of certain of their materials, as acknowledged by courtesy lines in the Appendix.

Acknowledgment is also extended to Robert S. Takacs, Consultant, and Harry L. Smith, Specialist, Law Enforcement Training staff, Trade and Industrial Education Services, for the development of the content and to Dr. Robert M. Reese and Wilbur F. Stover, Consultant, Instructional Materials Laboratory, The Ohio State University, for developing the format and editing the content of the material.

Special mention is extended to the staff of the Instructional Materials Laboratory for their efforts in the composition and production of this manual.

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Training Procedure No. 1

UNIFORM, ACQUIRING AND MAINTAINING

INTRODUCTORY INFORMATION:

Law enforcement officers wear uniforms in order to perform their duties more effectively and safely.

The officer in uniform is the government's symbol of law and order. The very sight of an officer, in most instances, stops the potential law violator from committing a crime for fear of apprehension. In this respect, the uniform serves a crime preventive function. Since the prevention of crime is the officer's primary responsibility, the uniform which is seen most often by the most people is the most effective.

The uniform identifies the officer as a member of that arm of government which is responsible for ensuring compliance with the law. Due to the hazardous nature of the duties involved, such as, the use of firearms in arresting a criminal, it is imperative that not only the person being arrested recognize the officer, but spectators as well. This is necessary in order that the criminal have no excuse for non-compliance and the law abiding no misunderstanding as to what is taking place--an arrest or a robbery. In this respect it aids the officer's personal safety.

Because the law enforcement officer will be required to wear a uniform he must concern himself with quality, economy, and appearance. Since there is no substitute for good quality, the officer should accept nothing less. Whether the officer personally purchases or is issued a uniform does not alter the fact that it costs money to purchase and to maintain. By following a few simple procedures the officer can extend the life of the uniform thereby saving money and at the same time maintaining a neat appearance. The neat appearing officer finds it less difficult to have people comply with his requests and creates a favorable impression in the eyes of the public for himself and his department.

EQUIPMENT NEEDED:

- Clothes hangers, Wooden
- Fabric Cleaning:
  - Cleaning fluid
  - Cloth, Soft white
  - Clothes brush, Hard bristle
  - Hat brush, Soft bristle
  - Lint remover
- Leather Polishing:
  - Brush
  - Cloth, Polishing
  - Metal polish dauber (with scraper)
  - Saddle soap
  - Shoe polish, Black
  - Sole dye, Black

Training Procedure No. 1

LAW ENFORCEMENT OFFICER TRAINING

Revolver Cleaning Kit, 38 Caliber:
- Bore brush, Brass wire
- Bore cleaner
- Car wax, Fine grade
- Course cloth or fine steel wool
- Cylinder brush, Nylon or fibre bristle
- Gun grease, Fine grade
- Lightweight oil, Fine grade
- Patches
- Rod with detachable tip
- Screwdriver, Small
- Toothbrush or 1/2" to 1" stiff bristle paint brush

Metal Polishing:
- Cloth, soft
- Metal polish

Shoe trees, Wooden

Trouser hangers, Wooden clamp type

GENERAL SAFETY PRACTICES:

Follow proper safety procedures in handling weapon and ammunition
Avoid inhaling dangerous cleaning fluid fumes
Use cleaning fluid in well ventilated room and away from open flames

	STEPS		KEY POINTS
1.	Acquiring uniform	1.1	In accordance with departmental regulations
		.2	If purchasing, only from reputable dealer
		.3	Tailored properly for fit
		.4	Permitting proper freedom of movement
		.5	Placing items to be carried in the field into pockets during fitting
		.6	Wearing belts used in the field during fitting
		.7	Testing fit by standing, bending, sitting, crouching, walking, and running
		.8	Having band of rubber sewn inside the trouser waist
		.9	Having piece of cloth sewn into front and rear trouser leg creases at the bottom on the inside

Training Procedure No. 1

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		1.10	Having snaps sewn on both ends of all pocket flaps of jackets and shirts
2.	Dry clean woolens	2.1	Regularly
		.2	Selecting a reputable firm
		.3	Identifying stain by attaching note
		.4	Requesting military crease in shirts
3.	Launder cottons	3.1	After each wearing
		.2	Ironing military creases into shirts
4.	Brush clothing	4.1	Frequently
		.2	Before and after wearing
		.3	Outdoors in sunlight
		.4	Brushing hats gently using soft bristle brush
		.5	Using hard bristle brush on clothing and caps
		.6	Brushing clothing vigorously
		.7	Removing lint with lint remover
5.	Shine leather	5.1	Shoes daily
		.2	Other leather at least once a month
		.3	Cleaning with saddle soap regularly
		.4	Preventing excessive accumulation of polish
		.5	Avoiding a hard finish (high gloss) on leather parts that flex
6.	Shine metal	6.1	Daily, using correct polish for particular metal finish
		.2	Following instructions on polish containers
		.3	Avoid scratching of surface
		.4	Avoid handling polished metal
7.	Dry out wet uniform	7.1	Promptly
		.2	To prevent mildew and maintain shape

Training Procedure No. 1

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
7.a. Caps or hats	7.a.1	Shaking off excess water
	.2	Blotting visor with soft absorbent cloth
	.3	Wiping metal buttons dry
	.4	Removing cap badge
	.5	Turning leather liner down
	.6	Removing all size adjusting material
	.7	Placing on flat surface
	.8	Setting on visor and brim
7.b. Clothing	7.b.1	Removing belts
	.2	Emptying all pockets
	.3	Removing all metal insignia
	.4	Shaking off excess water
	.5	Wiping all metal parts dry
	.6	Fastening buttons
	.7	Closing zippers
	.8	Hanging shirts and coats on wooden hangers
	.9	Using wooden clamp hangers for trousers
	.10	Placing on hangers carefully
	.11	Removing and smoothing wrinkles
	.12	Allowing adequate air circulation
	.13	Allowing to dry naturally
	.14	Keeping away from heat
	.15	If excessively wet, have dry cleaned after drying
7.c. Shoes and overshoes	7.c.1	Wiping off excess water outside and inside
	.2	Using wooden shoe trees to retain shape
	.3	Lacing and tying shoe laces to retain shape
	.4	Laying shoes on sides on protective covered flat surface
	.5	Allowing to dry naturally
	.6	Keeping away from heat

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
7.d.	Leather, weapon and foul weather gear	7.d.1	Wiping off water
		.2	Removing equipment from holster and cases, following safe weapon procedures
		.3	Removing cartridges from revolver
		.4	Hanging belts and straps from buckles - straight
		.5	Wiping dry all metal
		.6	Emptying pockets of leather jacket
		.7	Hanging jacket on wooden clothes hanger
		.8	Placing on hanger carefully
		.9	Buttoning buttons
		.10	Closing zippers
		.11	Removing wrinkles
		.12	Turning collars up
		.13	Placing glove on upright stick to aid circulation
		.14	Allowing adequate air circulation
		.15	Allowing to dry naturally
8.	Clean revolver	8.1	Remaining isolated
		.2	Rechecking cylinder to make certain it is empty
		.3	Handling to prevent damage
		.4	Inspecting for serviceability
		.5	Completely
		.6	Using proper materials and equipment
		.7	Securing weapon after cleaning
9.	Remove loose dirt	9.1	When thoroughly dry
		.2	Working in area covered with newspaper
		.3	Using clothes brush on clothing
		.4	Brush with and against nap carefully
		.5	Using scraper on shoes
		.6	Avoid scuffing of leather
10.	Remove stains	10.1	Promptly
		.2	Avoid damaging the fabric
		.3	Placing clean absorbent cloth under stain

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.4	Brushing outward from the center
		.5	Spot-cleaning small stains only
11.	Wash rubber	11.1	With water, mild soap, and soft cloth
		.2	Avoid scratching surface
		.3	Rinsing thoroughly
12.	Repair of damage	12.1	As soon as possible
		.2	Tears, replacing buttons, or worn parts
		.3	By qualified persons
		.4	Replacing shoelaces, heels, and soles when necessary
		.5	Replacing irreparable or frayed items
		.6	Dyeing worn leather
13.	Store uniforms	13.1	When not in use
		.2	After cleaning
		.3	On hangers in plastic bags
		.4	In dustfree location
		.5	Allowing sufficient room between garments
		.6	Placing moth balls in plastic bag and garment when stored for long period
		.7	Folding unstarched and unironed cottons
		.8	Placing footwear in closed cloth bags
		.9	Placing caps and hats in a crushproof box

Training Procedure No. 2

PATROLLING ON FOOT - DAYTIME - *NIGHTTIME

INTRODUCTORY INFORMATION:

The officer is responsible for guarding persons, their rights, and property in a designated area by requiring all people therein to obey the law. This guard duty is performed best when the officer goes about his designated area (beat) inspecting persons and property as often as possible. Performing this duty is called patrolling. The officer enforces the law on all persons on his beat by persuasion if possible, by force if necessary.

Patrolling, when properly performed, is the best method by which the law enforcement officer can carry out his primary responsibility of preventing crime. The basic method of patrolling is on foot. Its chief advantage over other methods is the officer's daily intimate contact with the people and the property on his beat. It is from these contacts that the officer learns who resides, earns a livelihood, and engages in recreation on the beat. By careful observation, he soon learns who and what is usual or unusual.

The law enforcement officer can become more proficient and effective during the time he is on duty (watch) by the constant application of the proper patrolling techniques contained herein.

EQUIPMENT NEEDED:

- Baton, Riot
- Belt, Sam Browne
- Card, Identification (See Appendix 13)
- Cards, Business
- Cartridges, 12, Extra
- Case, Cartridge, Double
- Case, Handcuff
- Chain, Whistle
- Citation Book, Traffic
- Dimes
- Flashlight, with extra bulb

- Forms:
  - Business Security Survey Report
  - Information on Personalities
  - Persons Report
  - Preliminary Investigation Report (See Appendix 14)
- Handcuffs
- Holster, Closed Revolver
- Key, Handcuff
- Keys, Other (as required)
- Knife, Pocket
- License, Operator's
- Map, Local
- Notebook, Pocket
- Pen, Ball Point
- Pencil, Mechanical
- Radio, Portable Two-way Transistor
- Revolver, Loaded Service

Note: Items identified by an asterisk pertain to nighttime patrolling only.

LAW ENFORCEMENT OFFICER TRAINING

Ring, Baton (with strap)
Ruler, 6" Plastic
Schedule, Local Commercial Transportation
Timepiece
Uniform of the Day
Whistle, Traffic

GENERAL SAFETY PRACTICES:

Maintain physical fitness
Wear six inch duty shoes with protected toes and rubber heels
All eye glasses, including sunglasses, should have hardened lens and be prescribed by an oculist
Be constantly alert for potential personal hazards
Stop and listen before turning corners
Weapons must never be given to anyone in the field
Secure all equipment from rattling
Approach all persons and things with caution
Use prescribed whistle and flashlight signals
Carry change in watch pocket
Hold flashlight in weak hand
Keep flashlight away from body when in use
Check flashlight for serviceability
*Night duty should never be performed with a cold or persistent cough
*To maintain night vision, avoid heavy smoking and use of intoxicating beverages
*Loud talking, singing, or whistling should be avoided
*Close one eye when a bright light appears, to maintain night vision
*Maintain your sense of direction
*Run only when absolutely necessary
*Avoid smoking when walking the beat
*Secure all equipment from reflecting

	STEPS		KEY POINTS
	ON DUTY RELIEF		
1.	Prepare for watch	1.1	Inspecting personal equipment for serviceability
		.2	Reporting in well groomed
		.3	Wearing uniform of the day
		.4	Reporting before prescribed time
		.5	Avoid loitering in business offices
		.6	Checking bulletin board
		.7	Recording date, day of week, watch, beat, weather condition, supervisor's name on Note Book Log Sheet (See Appendix 4)

Training Procedure No. 2

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		1.8	Receiving orders and pertinent information from watch commander
		.9	Recording necessary law enforcement intelligence in notebook (See Appendices 5 and 6)
		.10	Standing inspection for watch commander
		.11	Discussing beat activity with supervisor
2.	Proceed to watch relief point	2.1	At pre-determined location
		.2	Arranging for transportation with supervisor
		.3	Varying time and route pattern
		.4	Handling violations witnessed enroute
		.5	Arriving early
		.6	Being inconspicuous
3.	Meet with beat officer	3.1	Recording:
		.1	Name
		.2	Number
		.3	Time
		.4	Location
		.2	Obtaining pertinent information:
		.1	Cases requiring follow-up
		.2	Requests for law enforcement intelligence
		.3	Law enforcement hazards
		.4	Previous information
		.5	Safety hazards
		.6	Changes in trafficways
		.3	Selecting next watch relief point:
		.1	Having good view of beat
		.2	Should be inconspicuous
		.3	Sheltered location during inclement weather
		*.4	Should be lighted and safe
		.5	Varying the location
		.6	Recording location
		.4	Notifying dispatcher when unable to make contact

Training Procedure No. 2

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
4.	Relieve beat officer	4.1	Taking charge of beat
		.2	Leaving beat only for required duties
		.3	Requesting supervisor's permission to leave
		.4	Notifying dispatcher of location
		.5	Recording all absences from beat and reasons therefore
		.6	Acting on pending assignments requiring immediate action
		*.7	Inspecting pedestrian or other hazards requiring lighting

RECONNAISANCE PATROL

	STEPS		KEY POINTS
5.	Proceed to area to be reconnoitered	5.1	Selecting area with:
		.1	High criminal, pedestrian, or vehicle activity
		.2	Larger proportion of law enforcement or safety hazards
		.3	Activity which is to take place during watch
		*.4	Bright lighting first
		*.5	Little or no lighting last
		.2	Varying time and route pattern
6.	Reconnoiter the area	6.1	Being systematically unsystematic in patrolling
		.2	Covering selected areas fairly rapidly
		.3	Constantly utilizing peripheral vision
		.4	Stopping and listening for unusual activity before turning corners
		.5	Be alert to present and future activity
		.6	Noting activity that may occur during watch
		.7	Handling only those problems requiring immediate attention
		*.8	Dark-adapting eyes by closing them momentarily before entering dimly lighted areas
		*.9	Avoid direct bright lights

Training Procedure No. 2

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		*6.10	Stand and look into darkened areas
7.	Talk with sources of information	7.1	Having vantage occupations
		.2	Learning of activity that may occur during watch
8.	Observe persons, places, and things	8.1	Anything unusual
		.2	Indicating activity that may occur during watch
		*.3	Observing distance reduced and distorted during nighttime and certain weather conditions

STANDARD PATROL

STEPS		KEY POINTS	
9.	Proceed to location to be inspected	9.1	Walking slowly and erectly
		.2	Letting yourself be seen
		.3	Grasping strong hand with weak hand behind back
		.4	Unofficial objects must not be carried
		.5	Using heel to toe method--on outside edge
		.6	Walking on ball of foot when using stairs
		.7	Avoiding surveillance by others
		.8	Stopping and looking back over route traveled
		.9	Being aware of physical background
		.10	Looking at opposite side of street, upper floors, and roofs of buildings
		.11	Stopping and listening for unusual activity before turning corners
		.12	Being aware of changes in trafficways
		.13	Handling problems as they occur:
		.1	Within jurisdiction and capabilities
		.2	Requesting departmental assistance from supervisor or dispatcher when necessary

STEPS	KEY POINTS	
	9.13.3	Criminal, traffic, juvenile, and special requests in that order
	.14	Time and place of patrol interruptions should be recorded
	.15	Telephone service should be available at location of interruption
	.16	Varying time and location of personal breaks and meal period
	.17	Covering beat as often as possible until time of relief
	*.18	Walking quietly
	*.19	Standing and walking in shadows
	*.20	Avoiding being seen or silhouetted
	*.21	Crossing streets where there is least amount of light
	*.22	Being alert for potential assaults in dimly lighted areas
10. Inspect public property	10.1	Recording time and location of:
	.1	Unsafe conditions
	.2	Damaged property
	.3	Improperly functioning equipment
	.4	Dead or injured animals
	.2	Correcting unsafe conditions immediately when within authorization and capability
	.3	Notifying dispatcher when immediate corrective action beyond capability, is necessary
	.4	Reporting, in writing, unsafe conditions and recommendations for improvement to supervisor
11. Conduct business security survey	11.1	Contacting businessmen periodically and leaving business card on first contact (See Appendix 8)
	.2	Assuring periodic inspection
	.3	Inspecting business security measures
	.4	Completing Business Security Survey Report form (See Appendices 9 and 10)

STEPS		KEY POINTS
	11.5	Recording current information:
	.1	Name, address, and telephone number of business, manager, and assistant manager
	.2	Type and amount of security equipment
	.3	Security measures taken in operations
	.4	Security hazards
	.5	Selected employees
	.6	Recommended improvements
	.6	Requesting beat officer on night watch to check nighttime security and to make recommendations
	.7	Giving completed form to supervisor
12. Inspect security of buildings	12.1	Those closed for special reasons
12.a. Exterior	*a.1	At close of business day
	.2	Locating security alarms, knowing type and nature of installation
	.3	Checking security equipment to be in place, original, and serviceable
	.4	Remaining inconspicuous to anyone inside
	.5	Trying all accessible means of entry and exit, especially rear and roof
	.6	Looking for indications of attempted and completed forced entry from without and within
	.7	Looking and listening for movement from within
	.8	Checking interior physical arrangement for alterations
	.9	Recording inadequate security measures
	.10	Recommending adequate security measures, if requested by owner
12.b. Interior	b.1	Recording time building found unsecured

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	12.b.2 Recording name and address of occupying firm
	.3 Notifying dispatcher of name of firm, building, and location
	.4 Requesting assistance for interior inspection
	.5 Requesting dispatcher to notify owner, request his presence, and determine his estimated time of arrival
	.6 Determining if authorized person is inside
	.7 Checking authorized person's identity with owner
	.8 Recording name, position of employee, home address, and telephone number
	.9 Recording name and position of person responding in place of owner
	.10 Entering building with another officer
	.11 Avoiding being silhouetted
	.12 Carrying revolver in strong hand
	.13 Carrying flashlight in weak hand, if interior dark
	.14 Holding flashlight to side and slightly ahead of body when in use
	.15 Keeping other officer or flashlight in view at all times
	.16 Using proper flashlight signals
	.17 Avoiding cross fire
	.18 Checking one room at a time
	.19 Looking up as well as on floor level
	.20 Starting on lowest floor, working up
	.21 Closing all doors after entering each room
	.22 Locking all doors after searching each room
	.23 Walking quietly, using short steps
	.24 Stopping and listening for movement sounds
	.25 Completing search of building even if one suspect apprehended

Training Procedure No. 2

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
13. Inspect security of property	13.1	Checking security equipment to be in place, original, and serviceable
	.2	Checking physical arrangement of property
	.3	Recording inadequate security measures
	.4	Notifying owner of inadequate security measures
	.5	Recommending adequate security measures, if requested by owner
14. Inspect parked vehicles	14.1	Selecting those that are unusual as to:
	.1	Area
	.2	Beat
	.3	Location in which parked
	.4	Manner in which parked
	.5	Time at which parked
	.6	Length of time parked
	.7	Neglected care or condition
	.8	Altered or absence of required identification
	.9	Contents
	.2	Approaching from rear cautiously
	.3	Checking for occupants cautiously
	.4	Checking license number against Wanted Vehicle list (See Appendix 6)
	.5	Determining if stolen or abandoned
	.6	Determining if wanted--with or without occupants
	.7	Determining if being or has been used in committing crime
	.8	Determining ownership
	.9	Recording license number, description, and location of suspicious vehicles
	.10	File checking with dispatcher at first opportunity

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		14.11	Marking rim of tire with pencil for future identification
		.12	Citing flagrant parking violators
		.13	Maintaining wanted vehicle list
15.	Inspect transient lodging facilities	15.1	Hotels, motels, and trailer courts
		.2	Including parking facilities
		.3	Talking with employees regarding guests
		.4	Reviewing registers
		.5	Noting new guests
		.6	File checking selected guests and vehicles
		.7	Having employees look at photographs of wanted persons
		.8	Walking quietly around corridors
16.	Inspect establishments considered a law enforcement hazard	16.1	Including hangouts of known or suspected criminals
		.2	At time of opening and closing
		.3	At time of peak activity
		.4	At time violations most likely to occur
		.5	Frequently
		.6	Locating all entrances and exits before entering
		.7	Varying points of entry and exit
		.8	Pausing and listening before entering
		.9	Dark-adapting eyes by closing them momentarily before entering dimly lighted establishments
		.10	Using caution in entering
		.11	Carrying flashlight in weak hand
		.12	Observing activity, especially the unusual, throughout establishment
		.13	Noting employees and clientele
		.14	Noting changes of employees and clientele
		.15	Noting potential violations and violators
		.16	Noting changes in physical facilities
		.17	Avoid lingering

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
17.	Inspect locations considered a law enforcement hazard	17.1	At time violations most likely to occur
		.2	More frequently and intensively where crime rate is high
		.3	Varying avenue of approach, points of entry, and exit
		.4	Checking physical arrangement, entrances, and exits
		.5	Talking with persons who frequent the location
		.6	Keeping known criminals away, legally, or under surveillance
		.7	Advising clientele and attendants of crime preventive procedures
		.8	Noting potential violations and preventing them from becoming actual
		.9	Determining how the hazards can be reduced
		.10	Reporting recommendations to supervisor
18.	Develop sources of information	18.1	Selecting persons with vantage occupations
		.2	Recording data about source on Information on Personalities form (See Appendix 11)
		.3	Building confidence
		.4	Gathering law enforcement intelligence
		.5	Determining conspicuousness by source and circumstances
19.	Interrogate suspicious persons	19.1	When time, place, appearance, and/or actions of a person appears to be out of the ordinary
		.2	To know unusual people or criminals on the beat
		.3	Approaching with caution
		.4	Remaining at a discreet distance

STEPS		KEY POINTS
	19.5	Asking as few questions as possible
	.6	Keeping strong side away from person being interrogated
	.7	Speaking in conversational tone
	.8	Recording all field interrogations
	.9	Completing Persons Report later (See Appendix 5)
	.10	File checking selected suspicious persons
	.11	Maintaining wanted persons list
	.12	Determining if wanted, runaway, or lost
20. Report in	20.1	As ordered or scheduled
	.2	To dispatcher
	.3	For security check
	.4	Within 10 minute leeway of designated time
	.5	Varying time and location
	.6	Selecting sheltered location during inclement weather
	.7	Identifying location and telephone number
	.8	Using identifying code
	.9	Having pen and notebook ready for note taking
	.10	Obtaining pertinent information
	.11	Arranging for information pick-up point, when necessary
	.12	Keeping conversation brief and to official business only
	.13	Recording dispatcher's name
	.14	Recording time and location of report in
	*.15	Closing call box door quietly
	*.16	Keeping outdoor public phone booth light off by leaving door open
	*.17	Dialing operator only if silence required
	*.18	Cupping flashlight head with hand

Training Procedure No. 2

LAW ENFORCEMENT OFFICER TRAINING

OFF DUTY RELIEF

STEPS		KEY POINTS
21. Proceed to watch relief point	21.1	Meeting the relief officer
	.2	At end of duty hours
	.3	At pre-determined location
	.4	Varying time and route pattern
	.5	Handling violations witnessed enroute
	.6	Arriving after relief officer
22. Meet the relief officer	22.1	To be properly relieved of beat
	.2	Recording:
	.1	Name
	.2	Number
	.3	Time
	.4	Location
	.3	Providing pertinent information:
	.1	Cases requiring follow-up
	.2	Requests for law enforcement intelligence
	.3	Law enforcement hazards
	.4	Previous information
	.5	Safety hazards
	.6	Changes in trafficways
	.4	Selecting next watch relief point:
	.1	Having good view of beat
	.2	Should be inconspicuous
	.3	Sheltered location during inclement weather
	*.4	Should be lighted and safe
	.5	Varying the location
	.6	Recording the location
	.5	Turning beat over to relief officer
	.6	Notifying the dispatcher when unable to make contact
23. Proceed to headquarters	23.1	Completing and turning in required reports
	.2	Varying time and route pattern
	.3	Handling violations witnessed enroute
	.4	Reporting off duty to supervisor or dispatcher upon arrival

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		23.5	Avoid loitering in business offices
24.	Complete required reports	24.1	Recording activities and law enforcement intelligence
		.2	Before leaving headquarters
		.3	Using pen or typewriter
		.4	Properly and legibly
		.5	Officer's Watch Activity Report (See Appendix 12)
		.6	Turning in reports to supervisor
		.7	Retaining a copy of all reports for personal file

Training Procedure No. 3

PATROLLING IN A PATROL VEHICLE–DAYTIME–*NIGHTTIME

INTRODUCTORY INFORMATION:

Since the uniformed officer is more effective in preventing crime when constantly patrolling, it also follows that a properly and conspicuously marked automobile is more effective when kept constantly on patrol. The law enforcement officer must realize that a patrol car is an expensive piece of equipment and only when properly used can it aid him in performing his duties more efficiently and safely, while at the same time providing economical law enforcement services to the community.

Proper patrolling in an automobile is by far the most efficient method of providing law enforcement services to a large area. An officer can check a beat involving a greater area more often and with less fatigue with a patrol car than by foot. The patrol car radio affords constant and instant contact with headquarters and other patrol cars should assistance be required for the officer's safety. Calls and assignments can be answered more rapidly, thereby, increasing the officer's efficiency and improving the services rendered. It provides protection during inclement weather and in gun battles. It permits carrying and having readily available a variety of equipment, thereby, making the officer practically self-supporting. The transporting of officers, prisoners, and other authorized persons are more easily and rapidly handled. A patrol car provides the officer with an element of surprise due to the patrol car's speed and mobility.

There are many other advantages in the use of a patrol car than those listed above, however, the real value of patrolling in an automobile is dependent upon the officer using the car properly and effectively.

EQUIPMENT NEEDED:

- Accident Investigation Kit
  - Crayon, Marking (yellow lumber)
  - Paper, Graph
  - Tape Measure, 100 ft. Metal Reinforced Cloth
  - Tape Measure, 10 ft. Spring Steel (white surface)
  - Template, Accident Investigator's
- Bags, Evidence
- Baton, Traffic (red)
- Belts, Safety Seat
- Bulb, Traffic Baton (extra)
- Camera Kit
  - Bulbs, Flash
  - Camera
  - Flash Unit (battery condenser type)
  - Film
- Clipboard
- Code Book, Motor Vehicle

Note: Items identified by an asterisk pertain to nighttime patrolling only.

LAW ENFORCEMENT OFFICER TRAINING

- Code, Radio
- Compass, Magnetic
- Credit Card, Gasoline, Departmental
- Desk, Patrol Car
- Fire Extinguisher, Carbon Dioxide
- First Aid Kit
- Forms, Prepared Report (as required)
- Gloves, Driving
- Helmet, Safety
- Holder, Riot Baton
- Holder, Traffic Baton
- Holder, Fire Extinguisher
- Holder, First Aid Kit
- Holder, Flashlight
- Holder, Electric Lock Shotgun
- Holder, Shotgun Shell
- Keys, Patrol Car
- Light, Interior (Manually operated only)
- Light, Emergency Beacon
- Light, Plug-in Spot (with 100' cord)
- Lights, Two Spot
- Mirrors, Outside Rear View (2)
- Panel, Switch
- Radio, Three-way
- Raincoat
- Rescue Kit
  - Bar, Crow and/or wrecking
  - Blanket
  - Crash-axe, Shock Proof
  - Fusees, Red, 30 Minute (12)
  - Gloves, Cloth (plastic coated)
  - Holders, Fusee (12)
  - Rope, 1/2" Polypropylene or Nylon (100 ft.)
  - Stands, Fusee (2)
- Screen, Folding Plexiglass Dividing
- Shotgun, Riot
- Signal, Recall
- Siren, Vehicle (Electronic)
- Speedometer, Calibrated (with lock button)
- Tags, Property

GENERAL SAFETY PRACTICES:

- Be constantly alert for potential personal hazards
- Maintain physical fitness
- All eyeglasses, including sunglasses, should have hardened lens and be prescribed by an oculist
- Use safety seat belts
- Do not drive when ill
- Maintain proper vehicle ventilation
- Keep the vehicle under control at all times
- Obey all traffic laws
- When leaving vehicle, notify dispatcher as to location
- Park properly
- Approach all persons and things with caution
- *To maintain night vision when driving, focus eyes slightly away from bright head lights
- *Close eye nearest bright light, in order to maintain night vision
- Effectiveness of senses is impaired during vehicle operation

Training Procedure No. 3

LAW ENFORCEMENT OFFICER TRAINING

ON DUTY RELIEF

STEPS	KEY POINTS
1. Prepare for watch	1.1 Obtaining assigned patrol car at headquarters
	.2 Inspecting patrol car: (See Appendix 15)
	.1 Serviceability of vehicle and equipment
	.2 Condition of exterior and interior
	.3 Recording and reporting damage to supervisor
	.4 Quantity of fuel and oil
	.5 Testing electrical equipment and brakes
	.6 Verifying performance of radio
	.7 Counting quantity and determining serviceability of auxiliary equipment
	.8 Searching interior for discarded weapons, evidence, and lost or forgotten property
	.9 Removing all unofficial objects
	.10 Recording patrol car number, starting mileage, and time
	.11 Signalling "On Duty" to dispatcher, using approved radio code
2. Proceed to watch relief point	2.1 Requesting beat officer to designate location
	.2 Securing safety seat belt
	.3 Obeying all traffic laws
	.4 Being a courteous driver
	.5 Keeping both hands on steering wheel
	.6 Parking properly
	.7 Parking patrol car facing exit when using off-street facilities
	.8 Being inconspicuous
	*.9 Turning off all lights
	*.10 Keeping foot off brake pedal
	*.11 Turning radio volume down
	.12 Setting emergency brake

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		*2.13	Covering exposed interior lights
		.14	Turning off motor
3.	Meet with beat officer	3.1	Inspecting assigned patrol car when obtained from beat officer (See Appendix 15)
		.2	Recording pertinent information regarding patrol car
4.	Relieve the beat officer	4.1	Signalling "In Service" to dispatcher

RECONNAISANCE PATROL

	STEPS		KEY POINTS
5.	Proceed to area to be reconnoitered	5.1	Selecting area (Varying avenue of approach and exit)
6.	Reconnoiter the area	6.1	Driving in lane offering best view
7.	Talk with sources of information	7.1	Alighting from patrol car
8.	Observe persons, places, and things	8.1	Realizing that effectiveness of senses is impaired during vehicle operation

STANDARD PATROL

	STEPS		KEY POINTS
9.	Proceed to location to be inspected	9.1	Driving slowly, safely, and courteously in lane offering best view
		.2	Obeying all traffic laws
		.3	Avoid starting a caravan
		.4	Using rear view mirrors
		.5	Reducing speed at all intersections
		.6	Watching for traffic violations, criminal offenses, and suspicious vehicles
		.7	Anticipating and being ready for the unusual or unexpected
		.8	Using peripheral vision
		.9	Looking down side streets and between buildings

STEPS		KEY POINTS
	.10	Looking for traffic hazards before taking eyes off roadway
	.11	Checking buildings in the distance from roof down to street level
	.12	Being aware of changes in trafficways
	.13	Parking occasionally to observe
	.14	Alighting from patrol car
	.15	Avoiding surveillance by others
	*.16	Using high beams on headlights when traffic conditions permit
	*.17	Avoiding unnecessary and improper use of spot light
	*.18	Using spot light in short flashes
	*.19	"Sweeping" with spot light when complete coverage required
	.20	Reducing speed when using spot light and observing
	.21	Handling pending assignments to gather information and/or complete disposition of complaint
	.22	Handling problems as they occur:
	.1	Within jurisdiction and capabilities
	.2	Requesting departmental assistance from supervisor or dispatcher when necessary
	.3	Criminal, traffic, juvenile, and special requests in that order
	.23	Recording time, location and reason for patrol interruption
	.24	Telephone service should be available at location or interruption
	.25	Varying time and location of personal breaks and meal period
	.26	Practicing techniques of observation
	.27	Covering beat as often as possible until time of relief
10. Patrol on foot	10.1	Making all inspections
	.2	Improving observations
	.1	Talking with sources of information
	.2	Interrogating suspicious persons

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	10.3 Selecting safe location to park patrol car
	.4 Parking near outdoor public telephone
	.5 Parking properly
	.6 Signalling "Out of Car", location, and reason to dispatcher
	.7 Notifying dispatcher of telephone number:
	.1 Keeping unit available for assignment
	.8 Waiting for clearance from dispatcher before leaving patrol car
	.9 Recording time "out of" and "back in" service, location, and reason
	.10 Removing patrol car keys from ignition
	.11 Taking required equipment when leaving patrol car
	.12 Opening patrol car door and alighting with caution
	.13 Closing patrol car door quietly, carefully, and safely
	.14 Locking patrol car
	.15 Signalling "Back in Car" to dispatcher
11. Stop selected moving vehicles	11.1 To interview occupants
	.2 To check contents or search vehicle
	.3 Selecting vehicles that are unusual:
	.1 To area
	.2 To beat:
	.1 Location in which driven
	.2 Time at which driven
	.3 Manner in which driven
	.4 Length or number of times observed in area
	.5 Altered or absence of required identification
	.6 Neglected care or condition
	.3 To occupants
	.4 To contents

Training Procedure No. 3

LAW ENFORCEMENT OFFICER TRAINING

STEPS | KEY POINTS

11.4 Recording license number on patrol car desk pad before taking any action

.5 Checking license number against wanted vehicle list

.6 File checking license number with dispatcher

.7 Requesting departmental assistance from dispatcher:

  .1 Notifying dispatcher of pursuit and route

  .2 Using beacon and siren during pursuit

*.8 Selecting parking place for stop--well lighted at night

.9 Avoiding busy locations

.10 Watching for discarding of weapons or evidence

.11 Noting possible avenues of escape open to occupants

.12 Driving patrol car to the left of and about two feet behind driver of selected vehicle

.13 Turning on emergency beacon light

.14 Attracting driver's attention with series of short horn signals

*.15 Attracting driver's attention by flashing or sweeping spotlight or flashlight across mirrors at night

*.16 Avoid blinding driver

.17 Using siren as last resort

.18 Ordering driver where to stop and park in loud clear voice

.19 Using hand signals to designate correct stopping place

.20 Avoid "overshooting" vehicle

.21 Keeping alert to erratic movement of vehicle

.22 Falling in behind vehicle to be stopped

.23 Maintaining assured clear distance

STEPS	KEY POINTS
	11.24 Parking vehicles out of traffic lanes
	.25 Stopping and parking 8 to 15 feet behind vehicle and about 2 feet to the left
	*.26 Turning on left and right spotlights
	.27 Notifying dispatcher of vehicle stop, description of vehicle, location of, and reason for stop
	.28 Watching occupants and interior of vehicle through rear and side windows
	.29 Keeping alert for any quick or furtive movements by occupants
	.30 Paying particular attention to hands and shoulders of occupants
	.31 Looking in rear view mirrors for approaching traffic
	.32 Unfastening revolver holster flap
	.33 Taking required equipment
	*.34 Carrying flashlight in weak hand
	.35 Alighting from patrol car after receiving reply on file check and clearance from dispatcher--with caution
	.36 Approaching vehicle from left side--slowly and carefully
	.37 Using caution when passing vehicle's blind spot
	.38 Stopping at the rear of the vehicle's front door
	.39 Keeping back to approaching traffic when one occupant only
	.40 Facing side of vehicle when front and and rear seats occupied
12. Search selected vehicles	12.1 Selecting vehicles:
	.1 Wanted in connection with a crime
	.2 Similar in description to wanted vehicles
	.3 With indications of having been used in crime

LAW ENFORCEMENT OFFICER TRAINING

STEPS KEY POINTS

12.1.4 Having suspicious occupants
- .5 As a result of questioning occupants

.2 Arresting occupants first

.3 Requesting permission of driver, if no arrest made

.4 Checking contents or gathering evidence

.5 Notifying dispatcher of location of wanted vehicle

.6 Verifying identification of wanted vehicle with dispatcher

.7 Requesting dispatcher to:
- .1 Notify responsible investigating officer of find
- .2 Ascertain further instructions regarding disposition

.8 Requesting departmental assistance from dispatcher if:
- .1 Any occupant is wanted for or suspected of a felony
- .2 Any occupant is known or suspected of being armed or dangerous
- .3 Vehicle is occupied and is to be searched in the field

.9 Removing all occupants

.10 Watching for approaching traffic

.11 Requesting or ordering driver to get out first--slowly

.12 Keeping out of range of open door

.13 Keeping driver between officer and occupants until all have alighted from vehicle

.14 Selecting and moving to safe position on right side of vehicle

.15 Walking behind vehicle

.16 Requesting or ordering passengers to get out right side of vehicle in following order: right front seat, right rear seat, and left rear seat

Training Procedure No. 3

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS	
	12.17	Watching passengers to prevent discarding of evidence
	.18	Having passengers face away from officer
	.19	Keeping passengers in view at all times and away from vehicle
	*.20	Re-aiming right spot light on occupants
	.21	Standing outside of spot light beam behind opened right front door of patrol car
	.22	Examining every part of vehicle, systematically
	.23	Searching left then right side of vehicle, front to rear and back again
	.24	Searching logical places
	.25	Avoid unnecessarily damaging vehicle or contents
	.26	Collecting all evidence and items of value as law enforcement intelligence
	.27	Looking for objects foreign to occupants or vehicle
	.28	Calling the attention of witnessing officer to found evidence
	.29	Recording:
	.1	Description of evidence
	.2	Circumstances under which found
	.3	Name of witnessing officer
	.30	Avoid overlooking any possible hiding place
13. Stop selected pedestrians	13.1	Those wanted or suspicious persons
	*.2	Selecting well lighted location for stop at night
	.3	Avoid busy locations
	.4	Noting possible avenues of escape
	.5	Approaching pedestrian from the rear
	*.6	Stopping patrol car at slight angle to curb to illuminate area

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		13.7	Avoid violating traffic law
		.8	Avoid "overshooting" pedestrian
		*.9	Stopping ahead of pedestrian when approaching from front making certain he cannot pass patrol car before officer alights
		.10	Unfastening revolver holster flap
		.11	Watching for any quick or furtive movements when alighting from patrol car
		.12	Paying particular attention to pedestrian's hands
14.	Inspect unoccupied homes	14.1	Temporarily unoccupied
		.2	Upon request
		.3	Removing evidence of non-occupancy
		.4	Completing Unoccupied Home Report (See Appendix 16)

OFF DUTY RELIEF

	STEPS		KEY POINTS
15.	Proceed to watch relief point	15.1	Notifying relief officer of designated location
16.	Meet with beat officer	16.1	Recording ending mileage
		.2	Removing all personal equipment
		.3	Notifying relief officer of any damage or desired repairs to patrol car and shortage of auxiliary equipment
		.4	Turning patrol car over to relief officer
		.5	Signalling "Out of Service" to dispatcher when patrol car not turned over to relief officer
		.6	Signalling "Off Duty" to dispatcher when patrol car turned over to relief officer
17.	Proceed to headquarters	17.1	Turning in patrol car at garage

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
18.	Complete required reports	18.1	Turning in found property and evidence to property officer
		.2	Completing Property Tag (See Appendix 17)

Training Procedure No. 4

MISDEMEANORS WITNESSED BY OFFICER, HANDLING

INTRODUCTORY INFORMATION:

There are a great many laws regulating a person's behavior. Violation of these laws, in the majority of instances, constitutes a misdemeanor. Because these laws tend to regulate behavior they present a constant challenge to an officer's judgement and analyzing ability. The perpetration of a misdemeanor knows no social status. Persons on any rung of the social ladder may inadvertantly or deliberately commit an offense.

Community security is almost entirely dependent upon officers assigned to the area. Witnessing an offense and the subsequent proper handling by the officer serves the community and officer to the best advantage. Anything an officer does legally to deter offenses will certainly receive the approval of the public and the officer's supervisors.

EQUIPMENT NEEDED:

- Bags, Evidence
- Camera Kit
  - Bulbs, Flash
  - Camera
  - Film
  - Flash Unit (battery condenser type)
- Citation Book
- Clipboard
- Compass, Magnetic
- Crayon, Marking (lumber yellow)
- Form, Preliminary Investigation Field Report
- Handcuffs
- Knife, Pocket
- Notebook, Pocket
- Paper, Graph
- Pen, Ball Point
- Pencil, Mechanical
- Ruler, Architects'
- Tags, Evidence
- Tape Measure, 100 ft. Metal Reinforced Cloth
- Tape Measure, 10 ft. Spring Steel (white surface)

GENERAL SAFETY PRACTICES:

Be calm
Under all circumstances, notify dispatcher of location before leaving patrol car
Be constantly alert for potential personal hazards
Smoking should be avoided
Be certain you understand and are understood

Training Procedure No. 4

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Witness the misdemeanor	1.1	Using the senses
		.2	Recognizing the elements that constitute the offense
		.3	Noting general identification characteristics of perpetrator
		.4	Noting time, place, and other witnesses
		.5	Requesting, when possible, other witnesses to remain
2.	Apprehend perpetrator	2.1	As soon as practical
		.2	Approaching with caution
		.3	Keeping arrestee away from strong hand side
		.4	Speaking clearly
		.5	Commanding, "Don't move!"
		.6	Ordering perpetrator to move only as told
		.7	Informing, "You are under arrest!" And advising of rights
		.8	Preventing violence
		.9	Using only that amount of force necessary to overcome resistance
		.10	Using special care with women, juveniles, and mentally ill
		.11	Noting what is said by arrestee
		.12	Answering inquiries courteously and concisely
3.	Identify arrestee	3.1	Being certain it is same person that committed the offense
		.2	Noting particular identification characteristics:
		.1	Clothing worn
		.2	Body features
		.3	Speech
		.4	Mannerisms
		.3	Requesting arrestee pronounce and spell name and give present address
		.4	Requesting or searching for identification documents (See Appendix 55)

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	3.5 When requesting, accept only identification documents
	.6 Checking verbal information against document
	.7 Noting discrepencies
	.8 Questioning arrestee further, depending on answers given
4. Issue citation (If not arresting)	4.1 According to departmental policy
	.2 When reasonably certain perpetrator will appear
	.3 Filling out form while standing in a safe location
	.4 Using prescribed form (See Appendix 18)
	.5 Establishing time and date mutually agreeable, for court, officer, and perpetrator, when possible
	.6 Printing information legibly
	.7 Rechecking information on citation for accuracy
	.8 Handing citation and all documents to the perpetrator
	.9 Asking perpetrator if information on citation is understood clearly
	.10 Having perpetrator sign citation
5. Secure arrestee	5.1 Handcuffing hands behind back, palms out, key holes up, double lock pins away from arrestee
	.2 Handcuffing to fixed object
	.3 Assuring arrestee that his rights will be protected
	.4 Keeping all unauthorized persons away
	.5 Preventing arrestee from injuring himself or others
	.6 Preventing others from injuring arrestee
	.7 Isolating arrestee from exits, when possible

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		5.8	Refusing requests of arrestee and/or persons wishing to see or speak to him at the scene
6.	Search arrestee	6.1	After arrest
		.2	After handcuffing
		.3	Informing arrestee that search will be made
		.4	Isolating searcher and arrestee
		.5	Adhering strictly to laws of search for weapons and evidence
		.6	For safety
		.7	Using spread-eagle method
		.8	Removing all metal objects that may be potential weapons
		.9	Completing bodily search even though weapon or evidence found
		.10	Using female officer or trusted adult woman on females (See Appendix 56)
		.11	Calling for assistance, when necessary
7.	Gather evidence	7.1	To legally substantiate facts
		.2	Completing Preliminary Investigation Field Report (See Appendix 19)
		.3	Before or after removal of arrestee, as appropriate
		.4	Contacting other witnesses for:
		.1	Name
		.2	Address
		.3	Information about offense
		.4	Availability to testify
		.5	Searching scene systematically
		.6	Observing minutest detail
		.7	Including area adjacent to crime scene
		.8	Collecting sufficient amount of specimens for scientific examination
		.9	Placing in appropriate containers

LAW ENFORCEMENT OFFICER TRAINING

	STEPS	KEY POINTS	
		7.10	Avoiding contamination by using separate containers
		.11	Recording description and location found
		.12	Recording names and addresses of persons having knowledge or possession of evidence
		.13	Initialing in suitable place on evidence (See Appendix 50)
		.14	Avoiding damage for scientific examination
8.	Remove arrestee from scene	8.1	Taking to jail
		.2	Walking to jail, if practical
		.3	Calling supervisor to arrange for transportation
		.4	In patrol car or patrol wagon
		.5	Removing high or spiked heel shoes from females
		.6	Refusing requests for unauthorized means of transportation
		.7	Placing arrestee on front seat, when alone and without screen
		.8	Placing arrestee on rear seat, if screen provided
		.9	Locking doors
		.10	Refusing requests to smoke, get out of or change positions in patrol vehicle
		.11	Noting statements made by arrestee, for later recording
		.12	Keeping constantly alert against personal attack
9.	Process arrestee	9.1	Upon arrival at jail
		.2	Consigning arrestee to jailer
		.3	Furnishing necessary information
		.4	Assisting or filling in all forms as required
		.5	Removing handcuffs where and when designated

Training Procedure No. 4

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		9.6	Keeping constantly alert against attack or escape
10.	Submit evidence	10.1	Maintaining legal chain
		.2	To property officer
		.3	Filling in forms as required
		.4	Recording:
		.1	Time
		.2	Property officer's name and number
		.3	Location stored
11.	Submit reports	11.1	To supervisor
		.2	To complete disposition
		.3	Before going off duty
		.4	For department information
		.5	For use in prosecution
		.6	Using Preliminary Investigation Field Report form (See Appendix 19)
		.7	Typed
		.8	Referring to notes
		.9	Including who-what-why-when-where-and how (See Appendix 21)
		.10	Spelling correctly
		.11	Choosing words carefully
		.12	Avoiding legalistic words, phrases, or slang
		.13	Being objective in information
		.14	Using only widely accepted abbreviations
		.15	Using quotation marks for exact words spoken or written by persons
		.16	Reviewing and editing the report before submitting

Training Procedure No. 5

MISDEMEANOR NOT WITNESSED BY OFFICER, HANDLING

INTRODUCTORY INFORMATION:

Three major considerations must be given to the handling of any criminal law violation. First, the law must be complied with; second, that the departmental regulations be adhered to; and third, that a disposition which is satisfactory, within the above requirements, to the complainant be achieved.

There are many times, when an offense is committed, that the complainant will desire or demand that action be taken by the officer. But, because of the type of offense the officer will be unable to act due to the requirements of the law. It is difficult to convince the complainant under such circumstances that there is nothing the officer can do to enforce the law.

Most law enforcement departments are operating under the handicaps of manpower shortage and excessive case and work loads. Departmental regulations which limit the extent of handling in certain cases are a justifiable result of such handicaps.

The complainant, on the other hand, still has a problem which is of the utmost concern and has sought the assistance of the officer in solving the problem. A satisfactory disposition still may be achieved, even though the officer is limited by law and departmental regulations, by performing the proper handling procedure.

EQUIPMENT NEEDED:

Bags, Evidence
Camera Kit:
  Bulbs, Flash
  Camera
  Film
  Flash Unit (battery condenser type)
Citation Book
Clipboard
Compass, Magnetic
Crayon, Marking, (lumber yellow)
Form, Persons Report
Form, Preliminary Investigation Report
Handcuffs
Knife, Pocket
Notebook, Pocket
Paper, Graph
Pen, Ball Point
Pencil, Mechanical
Ruler, Architects'
Tags, Evidence
Tape Measure, 100 ft. Metal Reinforced Cloth
Tape Measure, 10 ft. Spring Steel (white surface)

Training Procedure No. 5

LAW ENFORCEMENT OFFICER TRAINING

GENERAL SAFETY PRACTICES:

Be calm
Notify dispatcher of location, before leaving patrol car, under all circumstances
Be constantly alert for potential personal hazards
Smoking should be avoided

STEPS		KEY POINTS
1. Receive assignment and information	1.1	From dispatcher
	.2	From citizen, notifying dispatcher
	.3	Recording on Patrol Car desk pad:
	.1	Time received
	.2	Location of scene
	.3	Type of crime
	.4	Person to be contacted and/or complainant and address
	.4	Repeating location to dispatcher
	.5	Stopping patrol car before writing
	.6	Requesting verification for accuracy
2. Proceed to scene	2.1	Driving safely
	.2	Immediately, unless otherwise instructed
	.3	Using extreme caution when disobeying traffic laws
	.4	Avoiding use of red light and siren unless otherwise instructed
3. Arrive at scene	3.1	Parking properly
	.2	Notifying dispatcher of exact location
	.3	Signaling dispatcher "out-of-service"
	.4	Removing ignition key
	.5	Recording time of arrival
	.6	Taking required equipment
	.7	Alighting from patrol car with caution
	.8	Locking patrol car
	.9	Entering all premises with caution
	.10	Approaching all persons and things with caution
4. Observe scene and situation	4.1	To determine course of action (See Appendix 53
	.2	Selecting safe location for officer

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	4.3	Scanning persons present for weapons
	.4	Scanning area for potential weapons
	.5	Physical and mental condition of persons involved
	.6	Mood and state of by-standers
	.7	Being alert to conversations
	.8	For future information
5. Preserve the peace	5.1	To prevent violence
	.2	Requesting or ordering all concerned to desist
	.3	Separating combatants
	.4	Quieting or calming persons present
	.5	Removing or isolating complainant and perpetrator
	.6	Calling for assistance when necessary
	.7	Requesting assistance of persons present
6. Identify participants	6.1	Complainant
	.2	Victim
	.3	Perpetrator
	.4	Witnesses
	.5	To assist in gathering facts
	.6	Directing questions
	.7	Observing which persons seem most concerned
	.8	Listening to conversations
	.9	Requesting complainant to identify perpetrator
	.10	Requesting complainant and/or perpetrator to identify witnesses so by-standers may be dismissed from scene
	.11	Requesting perpetrator to identify himself
	.12	Recording names, addresses and telephone numbers
	.13	Gathering information about perpetrator, if not at scene

	STEPS		KEY POINTS
7.	Interview participants (See Appendix 48)	7.1	Getting all sides of the story
		.2	Determining if necessary elements of offense are present
		.3	Allowing each to give his own version uninterrupted
		.4	Being impartial
		.5	Requesting witnesses to remain
		.6	Requesting witnesses not discuss the case with each other
		.7	Separating and interviewing each person concerned
		.8	Recording pertinent information in pocket notebook or on appropriate form
		.9	Determining if complainant or victim will initiate steps for prosecution
8.	Inform persons involved	8.1	Complainant
		.2	Victim
		.3	Perpetrator
		.4	Witnesses
		.5	Complainant or victim of necessary elements to prove offense
		.6	Informing all persons involved to appear before magistrate at court of jurisdiction and venue
		.7	Informing complainant or victim of location for signing affidavit for warrant
		.8	Informing witnesses what will be expected of them
		.9	Recording names, addresses and telephone numbers of persons for possible court action
		.10	Answering other questions of involved persons
	COMPLETE FOLLOWING STEPS IF PROSECUTION WILL RESULT		
9.	Preserve scene	9.1	Guarding scene at all times
		.2	Removing all persons

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	9.3	Staying out of scene as much as possible
	.4	Roping off or locking-up
	.5	Keeping unauthorized persons away
	.6	Keeping everything in place
	.7	Determining if crime scene has been altered
	.8	Checking with person who knows crime scene intimately
	.9	Calling for assistance, when necessary
10. Photograph scene	10.1	As soon as possible
	.2	Getting over-all view first without altering scene
	.3	Taking over-all view with identification
	.4	Taking pictures of physical evidence without identification
	.5	Taking pictures of physical evidence with identification
	.6	Recording photographic data:
	.1	Type of camera
	.2	Lens opening
	.3	Shutter speed
	.4	Type of film
	.5	Accessories used
	.6	Time taken
	.7	Location of camera for each photograph
11. Sketch scene	11.1	Locating the position of pertinent items
	.2	Providing a permanent record to supplement word description
	.3	Using Field Sketch Sheet (See Appendix 10)
	.4	Obtaining general impression of scene before starting sketch
	.5	Locating north at top of sketch
	.6	Using magnetic compass to determine north
	.7	Determining fixed base line or fixed points

STEPS	KEY POINTS
	11.8 Determining what is to be included
	.9 Determining scale used
	.10 Determining when in the investigation sketch should be made
	.11 Recording on sketch:
	.1 Brief descriptive statement
	.2 Address or location
	.3 Type of offense
	.4 Case number
	.5 Scale used
	.6 Arrow indicating north
	.7 Name of person making sketch
	.8 Legend
	.9 Names of persons assisting with measurements
	.10 Date sketch
	.12 Measuring accurately
	.13 Using rectangular coordinates or triangulation from fixed points for locating items on sketch
	.14 Using the words "feet" and "inches" in recording distance in notebook
	.15 Confirming all measurements
	.16 Including all details pertinent to offense
	.17 Using standard symbols when possible
12. Gather evidence	12.1 Substantiating facts
	.2 Searching systematically, clockwise
	.3 Observing minutest detail
	.4 Including area adjacent to crime scene
	.5 Carefully
	.6 Handling as little as possible
	.7 Collecting sufficent amount of specimens for scientific examination
	.8 Avoiding contamination by using separate containers
	.9 Placing in proper containers
	.10 Recording its location
	.11 Recording description

STEPS	KEY POINTS
	12.12 Recording names and addresses of persons having knowledge or possession of evidence
13. Mark evidence	13.1 For future identification
	.2 Initialing in suitable location
	.3 Using metal scribe, pen, tag, tape, as appropriate
	.4 Avoiding damage for scientific examination
	.5 Recording in notes where and how marked
14. Preserve evidence	14.1 Keeping in personal possession
	.2 Preventing loss, damage, removal
	.3 Releasing only to proper authority
	.4 Handling with gloves, when appropriate
	.5 Allowing natural drying of wet items
	.6 Using appropriate containers
15. Follow-up	15.1 Completing unfinished details
	.2 Locating and arresting perpetrator after warrant issued
	.3 Recovering property
	.4 Gathering additional facts
	.5 Leads furnished or discovered
16. Book evidence	16.1 Maintaining legal chain of evidence
	.2 Turning over to authorized officer
	.3 Securing to avoid tampering
	.4 Receiving receipt
	.5 Recording location
	.6 Recording names of all persons handling
17. Submit report (See Appendix 14)	17.1 After step 8 - if no prosecution
	.2 As required
	.3 Completing disposition
	.4 Before going off duty
	.5 For department information

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	17.6	For use in prosecution
	.7	Using prescribed form
	.8	Typed
	.9	Referring to notes
	.10	Including who-what-why-when-where and how
	.11	Spelling correctly
	.12	Choosing words carefully
	.13	Avoiding legalistic words or phrases and slang
	.14	Being objective in information
	.15	Using only widely accepted abbreviations
	.16	Reviewing and editing the report before submitting

FELONIES, HANDLING

INTRODUCTORY INFORMATION:

The beat officer has many splendid opportunities to render service to the public, but none so impresses the members of a community with the efficiency of the officer and the department as the investigation and apprehension of a felon. The building of a solid case, getting and checking out leads, and concluding with the perpetrator's apprehension is viewed with awe and pride when the citizen originally thought the case was unsolvable due to the apparent lack of clues and facts.

The officer who knows how to perform his duties in a quiet, efficient, and professional-like manner inspires the confidence of the public in law enforcement, ultimately acquiring the community's backing in the further prevention of crime and increasing sources of information.

EQUIPMENT NEEDED:

Bags, Evidence
Clipboard
Compass, Magnetic
Containers. Evidence
Crayon, Marking (yellow lumber)
Forms:
  Field Interrogation Report
  Injured Prisoner Report
  Preliminary Investigation Report
  Prisoner's Property Receipt
  Property Tag
  Format for Statement (Sample, Appendix 20)
Handcuffs
Knife, Pocket
Paper, Graph
Pen, Ball Point (black)
Pen, Ball Point (red)
Pencil, Mechanical
Ruler, 12"
Tape, 100 ft. Metal Reinforced Cloth Measuring
Tape, 10 ft. Spring Steel Measuring (White surface)

GENERAL SAFETY PRACTICES

Consider every felon as armed and dangerous
Always keep arrestee in view
Keep arrestee away from officer's strong hand side
Be certain that you understand and are understood
Refuse all of arrestee's requests in the field
Be constantly alert for personal hazards
Notify dispatcher of any change in location

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS			KEY POINTS
1. Receive assignment and information	1.1		From dispatcher
	.2		Acknowledging initial call immediately
	.3		Identifying unit and giving location
	.4		From citizen, notifying dispatcher
	.5		Stopping patrol car before writing
	.6		Recording on patrol car desk pad:
		.1	Location of scene
		.2	Type of crime
		.3	Person to be contacted and/or complainant and address
		.4	Description of perpetrator and his vehicle
	.7		Noting:
		.1	Situation at scene
		.2	Actual or potential hazards to persons involved
		.3	Type of weapon used by perpetrator
		.4	Route of escape of perpetrator
	.8		Requesting:
		.1	Additional required information
		.2	Departmental assistance
	.9		Notifying dispatcher of personal knowledge
	.10		Repeating location of scene for verification by dispatcher
	.11		Acknowledging receipt of transmission
2. Proceed to scene	2.1		Immediately
	.2		Driving safely
	.3		Using extreme caution when disobeying traffic laws
	.4		Avoid using beacon light and siren, unless otherwise instructed
	.5		Using most expeditious route
	.6		Considering the perpetrator's route of escape
	.7		Watching for the perpetrator and/or his vehicle
	.8		Considering the possibility of error and/or change

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	2.9 Participating in department's tactical operations
	.10 Planning personal operations based on known information
	.11 Turning off beacon light and/or siren
3. Arrive at scene	3.1 Parking properly
	.2 Signalling dispatcher "out-of-service"
	.3 Giving dispatcher exact location
	.4 Recording time of arrival
	.5 Removing ignition key
	.6 Taking required equipment
	.7 Unfastening holster flap
	.8 Alighting from patrol car with caution
	.9 Locking patrol car
	.10 Entering all premises with caution
	.11 Approaching all persons and things with caution
	.12 Selecting location for personal safety

PRELIMINARY INVESTIGATION - PRIMARY PHASE

STEPS	KEY POINTS
4. Observe scene and situation	4.1 Appearing and keeping calm
	.2 Gathering information to determine:
	.1 Personal safety
	.2 Participants' safety
	.3 Security of perpetrator
	.4 Course of action
	.3 Noting:
	.1 Mood and state of assembly
	.2 Physical and mental condition of participants
	.4 Scanning:
	.1 Assembly for weapons
	.2 Area for potential weapons

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		4.4.3	Possible escape routes for perpetrator
		.5	Being alert to conversations
		.6	Fastening holster flap
5.	Preserve the peace	5.1	Preventing violence and/or further injury
		.2	Performing duties objectively
		.3	Requesting or ordering all concerned to stop
		.4	Separating combatants
		.5	Quieting or calming persons present
		.6	Requesting bystanders to leave
		.7	Handling other situations as they arise
		.8	Removing or isolating victim and perpetrator
		.9	Calling for assistance when necessary
		.10	Requesting assistance of persons present
6.	Care for injured	6.1	As soon as possible
		.2	Requesting citizen to summon appropriate assistance
		.3	Rendering appropriate first aid
		.4	Requesting citizen to stand by injured
		.5	Arranging for transportation to medical facility
7.	Identify participants	7.1	By:
		.1	Observing which persons seem most concerned
		.2	Listening to conversations
		.2	Contacting personally:
		.1	Victim
		.2	Perpetrator
		.3	Complainant
		.4	Witnesses
		.3	Requesting:
		.1	Victim to identify perpetrator and witnesses
		.2	Perpetrator to identity himself

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		7.3.3	Witnesses to identify themselves, victim, and perpetrator
		.4	Witnesses to remain near the scene at location designated
		.5	Witnesses not to discuss matter under investigation
		.6	Bystanders to leave
8.	Preserve crime scene	8.1	Removing and keeping all persons away from scene
		.2	Guarding scene at all times
		.3	Placing civilians at approaches
		.4	Roping off or locking up
		.5	Permitting access to authorized persons only
		.6	Keeping everything in place
		.7	Determining if crime scene has been altered
		.8	Checking with person who knows crime scene intimately
		.9	Requesting departmental assistance
9.	Interview participants	9.1	Establishing elements of offense
		.2	Getting accurate information
		.3	Separately:
		.1	Victim
		.2	Perpetrator
		.3	Complainant
		.4	Witnesses
		.4	Recording:
		.1	Name - first, middle initial, and last
		.2	Race
		.3	Sex
		.4	Age
		.5	Occupation
		.6	Addresses of home and place of employment
		.7	Telephone number of home and place of employment

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	9.5 Allowing participants to tell, uninterrupted, own version of event
	.6 Asking as few questions as possible
	.7 Completing Preliminary Investigation Field Report (See Appendix 19)
	.8 Recording statements (See Appendix 20)
	.9 Use abbreviations (See Appendix 24)
	.10 Describing perpetrator's method of operation:
	.1 What he did and said
	.2 How he did it and said it
	.11 Describing perpetrator:
	.1 Name - including aliases
	.2 Color
	.3 Nationality
	.4 Sex
	.5 Age
	.6 Height
	.7 Weight
	.8 Build
	.9 Hair - Color, amount, type, and manner of wearing
	.10 Eyes, including glasses - type and color
	.11 Beard, including mustache - color, amount, type and manner of wearing
	.12 Complexion - color and appearance
	.13 Physical deformities, disfigurations, and their effects
	.12 Remembering perpetrator may be simulating or feigning physical condition and appearance
	.13 Describing clothing:
	.1 Headdress - type, color, material, and manner worn
	.2 Disguise - facial and other
	.3 Shirt - type, color and material
	.4 Neckwear - type, color, material and manner worn

STEPS

KEY POINTS

9.13.5 Overcoat - type, color, and material
- .6 Outer garment - type, color, and material
- .7 Gloves - type, color, and material
- .8 Jewelry - type, color, and metal
- .9 Trousers - type, color, and material
- .10 Socks - type, color, and material
- .11 Footwear - type, color, and material material

.14 Remembering perpetrator may discard or change clothes

.15 Describing perpetrator's vehicle:
- .1 Color - from top to bottom
- .2 Year
- .3 Manufacturer
- .4 Body type
- .5 License number - including state
- .6 Accessories
- .7 Distinguishing features - including stickers

.16 Remembering vehicle or license plates may be stolen, borrowed, or altered

.17 Describing weapon used:
- .1 Color
- .2 Metal
- .3 Make
- .4 Type
- .5 Caliber
- .6 Distinguishing features

.18 Remembering it may be a toy

.19 Describing loot:
- .1 Total value
- .2 Quantity of each item
- .3 Each item, going from major categories to specific items

.20 Describing route of escape

LAW ENFORCEMENT OFFICER TRAINING

SUPPLEMENTAL STEPS FOR COLD CASES

STEPS	KEY POINTS	
10.a. Request departmental assistance	10.a.1	Through supervisor
	.2	Keeping out of hearing distance of participants
	.3	Using radio or telephone
	.4	Identifying yourself
	.5	Giving exact location
	.6	Indicating type of assistance needed
	.7	Giving a summary of the case and what physical evidence is known and/or believed to be present
	.8	Answering questions
	.9	Identifying statements which are opinions
	.10	Notifying other law enforcement agencies, as ordered
b. Turn-over investigation	b.1	Upon arrival of:
	.1	Criminal investigator and/or physical evidence technician
	.2	Keeping out of hearing distance of participants
	.3	Briefing investigator or technician
	.4	Introducing and identifying investigator to participants
	.5	Assisting as requested

SUPPLEMENTAL STEPS FOR HOT CASES

(The following steps and key points on Hot Cases
are preceded by Steps 1 through 9)

STEPS	KEY POINTS	
10.a. Notify dispatcher	10.a.1	Furnishing information from Preliminary Investigation Form
	.2	As soon as possible
	.3	Talking slowly and clearly
	.4	Using telephone, preferably
	.5	Stating exact offense committed and location

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	10.a.6	Using phonetic alphabet in spelling (See Appendix 25)
	.7	Describing:
	.1	Perpetrator
	.2	Clothing
	.3	Vehicle
	.4	Weapon
	.5	Loot
	.6	Route of escape
	.8	Giving warning regarding officers' safety
	.9	Checking accurate reception of information by dispatcher
	.10	Checking that allied law enforcement agencies have been notified
b. Request departmental assistance	.b.1	As required
	.2	Through supervisor
	.3	Keeping out of hearing distance of participants
	.4	Using radio or telephone
	.5	Identifying yourself
	.6	Giving exact location
	.7	Indicating type of assistance needed
	.8	Giving a summary of the case and what physical evidence is known and/or believed to be present
	.9	Answering questions
	.10	Identifying statements which are opinions
	.11	Notifying other law enforcement agencies, as ordered
c. Turn-over investigation	.c.1	Upon arrival of:
	.1	Criminal investigator and/or physical evidence technician
	.2	Keeping out of hearing distance of participants
	.3	Briefing investigator or technician
	.4	Introducing and identifying investigator to participants
	.5	Assisting as requested

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
10.d. Pursue perpetrator	10.d.1	Within jurisdiction and capabilities
	.2	Following leads to their conclusion
	.3	Participating in intra-departmental tactical operations

SUPPLEMENTAL STEPS FOR PERPETRATOR IN CUSTODY OF CIVILIAN

(The following steps and key points on Perpetrator in Custody of Civilian are preceded by Steps 1 through 9)

STEPS		KEY POINTS
10.a. Arrest Perpetrator	10.a.1	Stating reason and advising of rights
	.2	Taking into physical custody
	.3	Using only that amount of force necessary to overcome resistance
	.4	Always recording physical condition of perpetrator (See Appendix 23)
	.5	Recording mental condition
	.6	Bringing physical and mental condition to the attention of selected witnesses
	.7	Recording witnesses name
b. Secure arrestee	.b.1	Preventing escape
	.2	Isolating arrestee as soon as possible
	.3	Handcuffing hands behind back, palms out, key holes up, double lock pins away from arrestee
	.4	Handcuffing to fixed object
	.5	Preventing arrestee from injuring himself or others
	.6	Preventing others from injuring arrestee
	.7	Refusing arrestee's requests
	.8	Keeping in view
	.9	Staying at discreet distance
	.10	Blocking exits
	.11	Using civilian assistance
	.12	Keeping all unauthorized persons away
c. Search arrestee	.c.1	After handcuffing
	.2	For the safety of all concerned

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	10.c.3 For weapons and/or evidence
	*.4 Choosing well lighted location at night
	.5 Choosing location away from people
	.6 Telling arrestee he will be searched
	.7 Using "spread-eagle" method
	.8 Methodically from head to toe
	.9 Using grasping motion of hand against garment and body
	.10 Feeling for objects, not patting
	.11 Removing all metal objects that may be potential weapons
	.12 Examining objects carefully to determine if converted to weapon
	.13 Noting and recording location where weapon or evidence was found
	.14 Completing body search even though one weapon found
	.15 Requesting departmental assistance
	.16 Using female officer or trusted adult woman for females
	.17 Providing security for female searcher
d. Request departmental assistance	.d.1 Through supervisor
	.2 Keeping out of hearing distance of participants
	.3 Using radio or telephone
	.4 Identifying yourself
	.5 Giving exact location
	.6 Indicating type of assistance needed
	.7 Giving a summary of the case and what physical evidence is known and/or believed to be present
	.8 Answering questions
	.9 Identifying statements which are opinions
	.10 Notifying other law enforcement agencies, as ordered
e. Turn-over investigation	.e.1 Upon arrival of:

	STEPS		KEY POINTS
		10.e.1.1	Criminal investigator and/or physical evidence technician
		.2	Keeping out of hearing distance of participants
		.3	Briefing investigator or technician
		.4	Introducing and identifying investigator to participants
		.5	Assisting as requested

CRIME SCENE INVESTIGATION

(To be followed when not performed by criminal investigator or technician)

11.	Photograph scene	11.1	As soon as possible
		.2	To substantiate position and location of pertinent objects
		.3	Avoiding alteration of scene
		.4	Adding nothing to first photograph
		.5	Adding law enforcement agency's identification to second photograph
		.6	Picturing the initial appearance of evidence
		.7	Recording photographic data:
		.1	Type of camera
		.2	Type of lens
		.3	Shutter speed
		.4	Lens opening
		.5	Type of film
		.6	Time taken
		.7	Location of camera
		.8	Light condition
12.	Sketch scene	12.1	To substantiate position and location of pertinent objects
		.2	Determining when it should be made in the course of the investigation
		.3	Obtaining a general impression before starting
		.4	Using Field Sketch Sheet and straightedge (See Appendix 10)
		.5	Locating directions with a magnetic compass

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	12.6	Determining scale to be used
	.7	Determining fixed base line or fixed points
	.8	Determining what must be included
	.9	Adding nothing superfluous
	.10	Making preliminary sketch in pencil, lightly
	.11	Using black ink
	.12	Identifying pertinent objects with letters in red ink
	.13	Measuring accurately
	.14	Using "feet" and "inches" to designate distances
	.15	Locating and indicating "North" at top of page
	.16	Recording information in lower right corner
13. Search for physical evidence	13.1	According to laws governing search (See Appendix 46)
	.2	To substantiate facts
	.3	Proving elements of the offense
	.4	Examining scene clockwise
	.5	Beginning with the perimeter
	.6	Proceeding spirally
	.7	Examining scene minutely
	.8	Completing one area before going to another
	.9	Examining adjacent area and route of approach
14. Collect physical evidence	14.1	Carefully, with minimum handling
	.2	For preservation
	.3	Apprising witness(es) of find
	.4	Photographing where found
	.5	Recording description and location
	.6	Including it in sketch
	.7	Getting sufficient quantity of known sample
	.8	Giving receipt to owner for valuable property

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
15.	Mark physical evidence	15.1	For future identification (See Appendix 50)
		.2	Initialing and dating in suitable location avoiding damage for scientific examination
		.3	Using appropriate marking devise
		.4	Recording mark and location
		.5	Attaching completed evidence tag
		.6	Starting and maintaining the chain of evidence
16.	Preserve physical evidence	16.1	Maintaining it in its original state
		.2	Keeping in personal possession
		.3	Packing in suitable container
		.4	Separating to prevent contamination
		.5	Preventing damage
		.6	Preventing excessive handling

PRELIMINARY INVESTIGATION - SECONDARY PHASE

	STEPS		KEY POINTS
17.	Take written statements	17.1	From participants (See Appendix 20)
		.2	At suitable time and location
		.3	Using separate sheets for each and one side only
		.4	Using permanent writing material
		.5	Identifying with case number and person making statement
		.6	Chronologically
		.7	Have closing verification paragraph included
		.8	Having statement signed by:
		.1	Maker
		.2	Recorder
		.3	Witnesses
18.	Transport arrestee	18.1	To appropriate confinement facility
		.2	Personally or by arrangement with supervisor
		.3	Using caution when placing in patrol car
		.4	Driving safely
		.5	Locking doors securely

STEPS	KEY POINTS
	18.6 Using most expeditious route
	.7 Maintaining alert for:
	.1 Personal attack
	.2 Escape attempt
	.8 Notifying dispatcher and recording starting and ending location and odometer reading for females
	.9 Recording starting and ending time
19. Process arrestee for confinement	19.1 As required by facility
	.2 Preparing documents
	.3 Having physician examine injured perpetrator
	.4 Completing Injured Prisoner Report form
	.5 Providing custodian with necessary information
	.6 Removing handcuffs from arrestee
	.7 Removing and giving custodian all personal property and potential weapons of arrestee
	.8 Verifying arrestee's property
	.9 Issuing receipt to arrestee for personal property taken as evidence
	.10 Obtaining receipt of confinement from custodian
	.11 Apprising custodian of arrestee's physical and/or mental condition
	.12 Recording confinement time, facility, and custodian
20. Submit evidence	20.1 To property officer
	.2 For safeguarding
	.3 Maintaining chain of evidence
	.4 Completing Property Tag form and receiving receipt (See Appendix 17)
	.5 Recording:
	.1 Time
	.2 Property officer's name and number
	.3 Location stored

Training Procedure No. 6

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS	
21. Follow-up leads	21.1	As soon as possible
	.2	Within jurisdiction and capabilities
	.3	Gathering evidence
	.4	Interviewing informants
22. Submit reports	22.1	To supervisor
	.2	As required
	.3	To complete disposition
	.4	Before going off duty
	.5	For department's information
	.6	For use in prosecution
	.7	Completing Preliminary Investigation Report form (See Appendix 19)
	.8	Typing information
	.9	Referring to notes
	.10	Including who, what, why, when, where, and how
	.11	Spelling correctly
	.12	Choosing words carefully
	.13	Avoiding legalistic words, phrases, or slang
	.14	Being objective in information
	.15	Using only widely accepted abbreviations
	.16	Reviewing and editing the report before submitting
	.17	Attaching pertinent forms
23. Follow-up case	23.1	Transmitting known information to other interested law enforcement agencies
	.2	Requesting their assistance
	.3	Having physical evidence examined by the criminalistician
	.4	Checking available law enforcement agency records
	.5	Interviewing new sources of information
	.6	Contacting the victim personally at periodic intervals, informing him of developments

Training Procedure No. 7

TRAFFIC VIOLATIONS, HANDLING

INTRODUCTORY INFORMATION:

One of the most pressing problems facing the public and law enforcement agencies is finding additional ways and means of reducing deaths, injuries, and amount of property damage that are occurring daily on the nation's trafficways. Law enforcement officers contribute substantially towards this reduction when they detect, apprehend, and take enforcement action against the traffic law violator.

A great number of an officer's personal contacts with the public is due to the large number of traffic violations which must be handled. It is under these circumstances that an officer will affect the public image of the department and the service rendered, either favorably or unfavorably. An officer creates the best impression for the department by exhibiting exceptional judgement and conducting himself above reproach while handling the traffic violation.

EQUIPMENT NEEDED:

Citation Book
Pen, Ball Point
Pencil, Mechanical
Traffic Code Book

GENERAL SAFETY PRACTICES:

Notify dispatcher of location before leaving patrol car, under all circumstances
Be extremely cautious in pursuit driving
Use safety seat belt
Keep constantly alert for erratic movements of vehicle or person
Keep alert to moving traffic
Know the condition and limitation of patrol car

	STEPS		KEY POINTS
1.	Witness violation	1.1	Of driver
		.2	Recognizing elements of the offense
		.3	Determining action to be taken
		.4	Noting general identification characteristics of violator
		.5	Noting time and place

Note: Items identified by an asterisk pertain to nighttime only.

	STEPS		KEY POINTS
		1.6	Noting vehicle make, year, model, color, license number, and any unusual appearance
2.	Apprehend violator	2.1	As soon as practical
		.2	Being certain safety seat belt is fastened before pursuing
		.3	Moving into traffic safely
		.4	Pacing violator's vehicle properly on speed violations
		.5	Selecting location to stop violator
		*.6	Selecting well lighted location at night, when possible
		.7	Driving patrol car to the left of and two (2) feet behind driver
		.8	Be careful not to overshoot vehicle
		.9	Using second gear or low range in heavy traffic
		.10	Attracting driver's attention with short horn signals-daytime
		*.11	Flashing spotlight across inside and/or outside rearview mirror
		*.12	Avoid blinding driver
		.13	Keeping constantly alert for erratic vehicle movements
		.14	Using hand signals to designate selected stopping place
		.15	Falling in behind vehicle to be stopped
		.16	Maintaining assured clear distance
		.17	Using red beacon light and siren in high speed pursuit
		.18	Keeping dispatcher informed when pursuit is involved
		.19	Notifying dispatcher if assistance required
		.20	Watching for items that might be thrown from pursued vehicle
		.21	Parking patrol car about 8 to 15 feet behind and a little to the left of violator's vehicle

STEPS	KEY POINTS
	2.22 Notifying dispatcher before leaving patrol car
	.23 Turning or leaving on red beacon light to warn motorists
	.24 Recording license number on car desk pad before alighting
	.25 Removing sunglasses
	.26 Unfastening holster flap
	.27 Approaching violator and vehicle with caution
	.28 Observing interior of violator's vehicle through rear and side windows
	.29 Noting occupants and contents
	.30 Noting escape routes
	.31 Noting available cover
3. Make identification	3.1 Taking a position to the rear of driver's door and out of range of other door for conversation
	.2 Keeping alert to occupant's movement
	*.3 Keeping flashlight beam out of occupants' eyes
	.4 Greeting courteously using "Sir" or "Maam"
	.5 Requesting violator remain seated in the vehicle
	.6 Informing violator of reason for stopping
	.7 Using tone of voice indicating statement of fact
	.8 Asking for driver's license and vehicle registration
	.9 Accepting only requested documents
	.10 Examining documents for validity
	.11 Requesting verbal pronunciation, spelling of name, and present address
	.12 Addressing by proper title and name thereafter

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	3.13 Comparing apparent physical and verbal information against document
	.14 Noting discrepencies
	.15 Questioning violator further, depend-on answers given
	.16 Answering inquiries courteously and concisely
	.17 Being especially careful in speech and actions with women
	.18 Noting speech and mannerisms of driver to detect abnormal condition
	.19 Avoid discussing fines and/or costs
4. Take enforcement action	4.1 One of the following:
	.1 Giving verbal warning
	.2 Issuing written warning
	.3 Issuing citation
	.4 Arresting when justified
	.2 Using only that amount of force necessary to overcome resistance
	.3 Establishing appearance date and time, mutually agreeable for violator, court, and officer
	.4 Standing on berm-shoulder or curb near patrol car to fill in information on citation
	*.5 Using flashlight for illumination
	.6 Using patrol car to sit in during inclement weather
	.7 Requesting violator stand in safe position, if out of vehicle
	.8 Avoiding use of violator's vehicle to prop feet on or as a desk
	.9 Printing carefully and legibly
	.10 Recording accurately:
	.1 Date of violation
	.2 Time-a.m. or p.m., E.S.T. - D. S. T.
	.3 Place of violation
	.4 Date of appearance
	.5 Car and driver identification
	.11 Describing violation

Training Procedure No. 7

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		4.12	Recording section number of violation
		.13	Having violator sign citation
		.14	Comparing signature with that on driver's license
5.	Release violator	5.1	After enforcement action
		.2	After rechecking citation for accuracy and legibility
		.3	After ascertaining if driver understands information on citation
		.4	Returning all documents
		.5	Noting where driver puts documents
		.6	Thanking driver for cooperation
		.7	Asking driver if he would like assistance to return to trafficway

Training Procedure No. 8

TRAFFIC ACCIDENTS, HANDLING

INTRODUCTORY INFORMATION:

A traffic accident defies a rigid set of chronological steps for proper handling. The urgency of any one of its aspects will govern the officer's course of action.

Confusion, hysteria, injuries, fire, foul weather, bad location, high speed, traffic and poor visibility are some of the things encountered at the scene. The need and ability to make sound decisions quickly and see to it that they are carried out are imperative. The officer must control the situation.

EQUIPMENT NEEDED:

Accident Investigation Kit:
  Crayon, Marking (lumber yellow)
  Paper
  Tape Measure, 100 ft. Metal
    Reinforced Cloth
  Tape Measure, 10 ft. Spring Steel
    (white surface)
  Template, Accident Investigators
Motor Vehicle Accident Form
Form, Statement

GENERAL SAFETY PRACTICES:

Drive safely
Park properly
Be constantly alert for hazards, personal and others
Place all civilian help as safely as possible

	STEPS		KEY POINTS
1.	Receive accident information	1.1	From dispatcher
		.2	From citizen, notifying dispatcher
		.3	Recording:
		.3.1	Name and address of citizen reporting
		.3.2	Type of accident:

Note: Items identified by an asterisk pertain to nighttime only.

Training Procedure No. 8

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	1.3.2.1	Personal injury
	.2	Property damage only
	.3	Time received
	.4	Location
	.4	Obtaining as much information as possible
2. Proceed to scene	2.1	Planning action
	.2	Using extreme caution when disobeying traffic laws
	.3	Driving safely
	.4	Using shortest and quickest route
	.5	Using siren and emergency lights in accordance with departmental policy
	.6	Observing weather and road conditions
	.7	Being alert for cars leaving scene
3. Arrive at scene	3.1	Parking car at safe distance from nearest object to be protected
	.2	Leaving emergency lights operating
	*.3	Illuminate accident scene with car lights when necessary
	.4	Using off-street facilities when available and accident is not serious
	.5	Parking car crosswise to road to protect scene when necessary
	.6	Recording time arrived
4. Observe scene and situation	4.1	By quickly scanning area
	.2	To determine course of action
	.3	Traffic flow
	.4	Congestion
	.5	Road blockage
	.6	Urgent matters needing immediate action
	.7	Hazards which could compound the accident
	.8	Positions of victims if thrown from car
5. Protect scene	5.1	To preserve evidence
	.2	Warning approaching traffic

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	5.3 Setting fusees
	.4 In locating warning device, consider speeds, visibility and road condition
	.5 To prevent further damage and other accidents
	.6 To prevent theft from vehicles or injured persons
	.7 Re-parking patrol car if necessary
	.8 Roping off scene area
	.9 Detouring traffic
	.10 Requesting assistance from bystanders:
	.1 Using professional drivers when possible
	.2 Directing activities of assistants
	.11 Requesting assistance needed from headquarters - be specific
	.12 Using tow trucks or other emergency vehicles and their lights when necessary
	.13 Turning off ignitions and lights of vehicles involved
	.14 Guarding spilled gasoline or other inflammables
6. Care for injured	6.1 Moving occupants ONLY if life endangered
	.2 Calling for rescue squad, ambulance and/or medical help when necessary
	.3 Stop bleeding
	.4 Preventing shock or exposure by keeping injured warm
	.5 Assisting minor injured persons from vehicles safely
	.6 Preventing theft of personal belongings from injured persons
	.7 Noting unusual condition of injured while aiding them, such as evidence of alcohol (See Appendix 57)
	.8 Keeping onlookers away from injured

Training Procedure No. 8

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	6.9 Using best help available when necessary
7. Locate and question drivers and witnesses	7.1 To establish ownership and identity
	.2 By observing
	.3 By inquiring
	.4 Recording license numbers of vehicles at accident scene - possible witnesses
	.5 If driver cannot be located, assume it is a hit and run case
	.6 Examining driver's condition
	.7 Obtaining names and addresses
	.8 Having drivers or owners assist in caring for their property
	.9 Ascertaining number of people involved and possible injuries
8. Photograph scene	8.1 When necessary
	.2 As soon as practical
	.3 To record things that were not noticed
	.4 To record original scene before changed
	.5 To show damage before vehicles are moved
	.6 To prove statements
	.7 Being selective in photographs taken
	.8 To preserve evidence or clues which may disappear
9. Sketch scene	9.1 Using Field Sketch Sheet (See Appendix 10)
	.2 To show general relationship of things
	.3 Making as neat and complete as possible - avoid erasing or altering
	.4 Sketch should be identified, day and hour of accident, names of roads, direction of north, names of people who took measurements and made drawing

STEPS	KEY POINTS	
10. Measure distances	10.1	Making measurements with tape
	.2	At all accidents
	.3	Locating point of impact by triangulation with permanent objects
	.4	Of all skidmarks and gouges
	.5	Locating final position of vehicles from point of impact
	.6	Location of dead or injured from point of impact
	.7	By marking various points with yellow crayon after deciding what is to be measured
	.8	Using tape cautiously near electrical wires
	.9	Stopping or warning traffic if necessary
	.10	Being accurate as possible
	.11	Locating temporary objects or things as soon as possible
	.12	Locating any possible traffic hazards
11. Gather physical evidence	11.1	By systematic search from point of approach to scene to point of departure
	.2	By collecting adequate specimens
	.3	Marking or tagging for identification
	.4	To verify or disprove statements of drivers and witnesses
	.5	Determining condition of vehicle both mechanical and otherwise
12. Take written statements	12.1	From drivers
	.2	From witnesses - first from those who may leave or be hard to reach
	.3	At the scene - or the most convenient place
	.4	Be sure statement contains necessary information
	.5	When possible, have signatures witnessed

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
13. Complete Motor Vehicle Accident Report form (See Appendix 22)	13.1	Printing information legibly
	.2	At scene
	.3	To systematically gather information
	.4	For departmental records
	.5	To record, who-what-why-when-where and how
	.6	To furnish information to related government agencies and others
	.7	To be used in planning and research
	.8	Information must be complete
	.9	Names and addresses should be verified for spelling and correctness
14. Make arrest or issue citation	14.1	To take enforcement action
	.2	After analyzing accident
	.3	Where elements of violation can be proven in court
	.4	According to departmental policy
	.5	For violations not directly contributing to accident
	.6	For violations contributing to accident
	.7	Be specific in charging violation
	.8	Follow-up arrest or citation by explaining to citizen reason for enforcement action
15. Clear roadway	15.1	As soon as practical
	.2	Restoring normal traffic flow
	.3	Utilizing towing service
	.4	By hand pushing vehicles
	.5	Recording name of towing service
	.6	Requesting owner or driver to select tow truck service, when possible
	.7	Removing or having removed hazardous material from trafficway
	.8	Avoiding unnecessary damage to vehicle
	.9	Being alert to dangers from cables used in towing or righting vehicles
	.10	Being alert and in a safe position while tow truck is maneuvering

Training Procedure No. 8

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
16. Answer inquiries	16.1	Of involved persons only
	.2	Telling drivers what reports they must file and where obtained
	.3	Giving reliable and helpful information
	.4	Being courteous
	.5	Concerning local and state traffic laws
17. Follow-up	17.1	Gathering facts not obtained at scene
	.2	Obtaining medical reports from doctor or hospital
	.3	Questioning drivers or witnesses that left the scene
	.4	Arranging for or notifying relatives of dead or injured
	.5	Completing necessary reports
	.6	Requesting departmental assistance
	.7	Notifying dispatcher upon completion of handling accident

Training Procedure No. 9

ARRESTING

INTRODUCTORY INFORMATION:

Law enforcement agencies are given the responsibility and authority to arrest in order to protect society from the criminal. Upon the law enforcement officer is conferred the power to arrest, to use it justly and wisely is the officer's duty.

Accompanying arrest are the inherent potential dangers of physical injury or death and civil liability. Every arrest situation demands diagnosis by the officer. No two arrests are alike, they are only similar in certain phases. Each officer must be knowledgeable in both the practical and legal aspects of arrest. In the practical aspect, to develop techniques for deterring or combatting violence and to overcome the mental resistance of an arrestee. In the legal aspect, to assure compliance with the requirements of the law and to preclude legal and departmental discipline as a result of unlawful or improper handling of the arrest.

EQUIPMENT NEEDED:

Baton, Riot
Handcuffs
Injured Arrestee Field Report
Revolver

GENERAL SAFETY PRACTICES:

Maintain physical fitness
Be constantly alert
Approach all persons and onto and into all premises with caution
Request assistance when judgment indicates
Watch arrestee's hands

	STEPS		KEY POINTS
1.	Approach suspect	1.1	As soon as possible
		.2	Unfastening holster flap
		.3	Scanning surrounding area
		.4	Planning action
		.5	Selecting spot for arrest
		.6	Moving in from rear and/or side
		.7	Calmly
		.8	Quietly
		.9	Cautiously
		.10	Cutting off escape route

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	1.11	Expecting escape attempt
	.12	Using peripheral vision to detect physical or other hazards
	.13	Using available cover or shadows
	.14	Avoid being silhouetted
	.15	Noting dress for identification
	.16	Watching suspect constantly - especially hands
	.17	Watching for objects that suspect may discard
	.18	Noting his physical and mental condition
	.19	Noting personal physical characteristics for identification
2. Apprehend suspect	2.1	As soon as possible
	.2	Taking by surprise
	.3	Stopping actions
	.4	Pursuing, as required
	.5	Using force as a last resort
	.6	Restraining physically, as required
	.7	Adhering strictly to the laws of arrest
	.8	Keeping suspect away from strong hand side
	.9	Standing slightly to the rear and right of suspect
	.10	Using only that amount of force necessary to overcome resistance
	.11	Using special care with women, juveniles, and mentally ill
	.12	Using revolver for protection of life or preventing escape of felon
	.13	Requesting assistance
3. Arrest suspect	3.1	Commanding "Don't move" (See Appendix 49)
	.2	Identifying self as law enforcement officer
	.3	Ordering to move only as told
	.4	Stating "You are under arrest"
	.5	Stating reason for arrest
	.6	Advising subject of his rights

Training Procedure No. 9

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	3.7	Using authoritative tone of voice
	.8	Noting statements by arrestee for later recording
4. Secure arrestee	4.1	Preventing escape
	.2	Ordering arrestee to assume spread-eagle position using vertical surface
	.3	Removing handcuffs from case with weak hand
	.4	Handcuffing hands behind back, palms out, key holes up, double lock pins away from arrestee
	.5	Double locking handcuffs
	.6	Isolating arrestee as soon as possible
	.7	Handcuffing to fixed object, when appropriate
	.8	Keeping in view
	.9	Blocking exits
	.10	Preventing arrestee from injuring himself or others
	.11	Preventing others from injuring arrestee
	.12	Refusing request of arrestee and/or persons wishing to see or speak to him at the scene
5. Search arrestee	5.1	After handcuffing
	.2	Select location:
	.1	Away from people
	.2	Well lighted
	.3	Away from avenues of escape
	.3	For weapons > (See Appendix 26)
	.4	For evidence
	.5	Keeping arrestee in spread-eagle position with head against vertical surface
	.6	Methodically from head to toe
	.7	Using grasping motion of hand on garment and body
	.8	Feeling for objects
	.9	Noting any peculiarities of garments

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	5.10	Using female officer or trusted adult woman for females
	.11	Providing security for female searcher
	.12	Removing all metal objects that may be potential weapons
	.13	Examining objects carefully to determine if converted to weapon
	.14	Completing bodily search even though weapon or evidence found
	.15	Calling for assistance, when necessary
6. Remove arrestee from scene	6.1	Immediately from a belligerent crowd
	.2	As soon as possible
	.3	Taking to confinement facility or magistrate
	.4	Walking arrestee to confinement facility, if practical
	.5	Holding handcuff chain at all times when moving arrestee
	.6	Requesting departmental assistance for transportation
	.7	Placing arrestee in safest location within vehicle
	.8	Taking purse and spike heeled shoes from female arrestee
	.9	Notifying dispatcher and recording the starting and ending location and odometer reading for females
	.10	Refusing requests of arrestee
	.11	Keeping constantly alert against personal attack or attempt to escape
	.12	Noting statements made by arrestee during transporting
7. Process arrestee for confinement	7.1	Providing required medical treatment
	.2	Completing Injured Arrestee Field Report (See Appendix 23)
	.3	Delivering to custodial officer at appropriate institution
	.4	Adhering to institution's confinement procedures

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	7.5 Having necessary commitment documents
	.6 Supplying necessary information
	.7 Searching arrestee:
	.1 In presence of custodial officer
	.2 Removing all property
	.3 Giving property to custodial officer
	.4 Retaining possession of evidence
	.5 Giving receipt for evidence taken
	.6 Accounting with custodial officer for arrestee's property
	.8 Signing required forms
	.9 Removing handcuffs
	.10 Keeping constantly alert:
	.1 Against personal attack
	.2 Attempt to escape

Training Procedure No. 10

TESTIFYING IN COURT

INTRODUCTORY INFORMATION:

The arrest of a suspect after the investigation of a crime does not necessarily close the case or end the officer's responsibility.

Under our system of government, any case involving an arrest may be put to a test. This test is a court trial, which is the right of any person charged with a crime. A trial is the examination of evidence by a jury, the evidence being presented through witnesses by the attorneys for both sides of an action, according to the rules of law as interpreted by the judge. The officer must handle every case, in all its aspects, with this ultimate test in mind, since he cannot foretell which investigation will result in an arrest and which of these will result in a trial.

Due to the fact that the officer is neither judge nor jury, he will not pass on legal matters nor determine the guilt or innocence of the defendent. The officer is not an attorney, therefore, he will not defend or prosecute the accused. This leaves the officer but one role in the court trial, that of a witness.

As a witness the officer is sworn to present his testimony to the court concerning his personal knowledge regarding the case. The purpose of this procedure is to assist the officer in testifying truthfully, objectively, and effectively, thereby contributing to the impartial administration of justice.

EQUIPMENT NEEDED:

Appropriate notes
Notebook, Pocket

GENERAL CAUTIONS IN TESTIFYING:

Assuming the public prosecutor's responsibilities must be avoided
Have confidence in the public prosecutor's handling of the case
Follow the public prosecutor's instructions
The officer's bearing and physical appearance must be above reproach
Testify impartially
Maintain an impersonal attitude
Tell the truth
Avoid guessing
Avoid arguing with the defense attorney
Be courteous
Sit erect

Training Procedure No. 10

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
1. Prepare for court appearance	1.1 Reviewing case reports
	.2 Placing only pages pertinent to case in notebook
	.3 Checking personal appearance
	.4 Wearing proper uniform (or conservative business suit and accessories)
	.5 Avoiding the wearing of any fraternal insignia on civilian clothes
	.6 Nothing in breast pocket of civilian coat
	.7 Contacting public prosecutor, if prosecutor has not contacted officer, to discuss case and coordinate activities
	.8 Assembling physical and documentary evidence (See Appendix No. 54)
	.9 Providing for transportation of physical evidence
2. Proceed to courthouse	2.1 With evidence and notebook
	.2 Attending correct court on day and at time specified
	.3 Arriving early
	.4 Maintaining respectful demeanor at all times
	.5 Checking with appropriate court personnel, as required
	.6 Discussing case privately only with authorized persons
	.7 Directing all other persons wanting to discuss the case to the public prosecutor
3. Confer with public prosecutor	3.1 Regarding changes
	.2 Receiving instructions
	.3 Providing physical and documentary evidence
	.4 Avoid the borrowing of prosecutor's copy of the case reports
	.5 Reviewing last minute details

Training Procedure No. 10

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
4. Attend court	4.1	Taking no items not relevant into the courtroom
	.2	Giving bailiff Sam Browne belt and revolver in accordance with court policy
	.3	Selecting seat which affords easiest and most direct route to witness stand
	.4	Seating self before judge arrives
	.5	Avoiding all talk
	.6	Writing note when necessary to communicate with prosecutor
	.7	Paying attention to proceedings
	.8	Noting friends and associates of defendant
5. Take the witness chair	5.1	When summoned
	.2	Be calm
	.3	Maintaining erect posture, dignified carriage, and impersonal attitude
	.4	Standing at attention and raising right arm when being sworn in
	.5	Looking at person giving the oath
	.6	Sitting erect in witness chair
	.7	Avoiding unusual mannerisms or gestures
6. Answer questions	6.1	Asked by public prosecutor, defense attorney, and judge
	.2	Maintaining an impersonal attitude
	.3	Listening to, hearing, and understanding the question
	.4	Requesting that a question be repeated when not understood
	.5	Thinking about the question
	.6	Formulating the answer mentally and logically before replying
	.7	Answering only the question
	.8	Telling the truth
	.9	Avoid guessing
	.10	Confining testimony to relevant matters

Training Procedure No. 10

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	6.11	Volunteering no other information
	.12	Choosing words carefully
	.13	Repeating conversations verbatim
	.14	Avoiding use of technical law enforcement terms, criminal jargon, and slang
	.15	Looking at the judge or jury, as appropriate, when replying
	.16	Speaking clearly in a conversational voice
	.17	Using plain and direct language
	.18	Answering "I don't know", as appropriate
	.19	Answering one question at a time
	.20	Stating "I cannot answer that question with a 'Yes' or 'No' ", as appropriate
	.21	Referring to notes, as required
	.22	Refreshing memory by using notes
	.23	Avoiding arguments
7. Leave the courtroom	7.1	When excused
	.2	Receiving Sam Browne belt and revolver from bailiff
	.3	Avoiding the expression of any opinions concerning the trial
	.4	Refusing to discuss case with unauthorized persons
	.5	Avoid loitering about the courthouse
	.6	Leaving courthouse when dismissed

Training Procedure No. 11

FIREARMS SAFETY AND NOMENCLATURE

INTRODUCTORY INFORMATION:

Safety in handling firearms is fundamental to the protection of life. There is no margin for error in determining whether or not a firearm is loaded. These statements are particularly true in a training situation. Too often we read or hear about the officer inadvertently shot by a brother officer or see the department floor or ceiling with a bullet hole in it. Each officer must strictly adhere to all safety rules concerning firearms.

Every officer should know, generally, the names of the most important parts of firearms. By doing this an understanding of the mechanical operation is more easily achieved. Knowing the parts and their function in the operation of the weapon better prepares the officer to detect a possible malfunction or unsafe condition. To detect a malfunction or unsafe condition and subsequently repair it ensures dependable operation.

EQUIPMENT NEEDED:

Departmental or personal weapon used on duty - sidearm
Revolver cleaning kit
Shotgun 12 gauge, riot
Shotgun cleaning kit

Training Procedure No. 11

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
1. Learn Safety Rules	Treat all guns as though they are loaded. Point a firearm only at a person you are justified in killing. Allow only an expert to repair your weapon. All firearms training must be properly and adequately supervised by someone in authority. All safety precautions must be adhered to and enforced. Strictest discipline must be maintained. Carelessness and thoughtlessness cannot and must not be tolerated during firearms training. Immediately on picking up a firearm, open the cylinder or action and check to see that it is unloaded--check it again. A firearm is given to or received from another person only when the cylinder or action is open. Never anticipate a command. Check for obstruction in barrel of a firearm before loading. Load only after position is taken at the firing point and the command to load has been given. Unload when and as instructed. Keep the firearm pointed down range at all times. Draw a revolver from the holster or reholster with the finger outside the trigger guard. When shooting single-action, place your finger on the trigger only after the firearm is pointed toward the target and the cocking action has been completed.

Training Procedure No. 11

FIREARMS SAFETY AND NOMENCLATURE

STEPS	KEY POINTS
	No smoking on the firing line.
	No talking on the firing line or to shooters on the firing line, except by instructors.
	Always keep the muzzle of a firearm from touching the ground.
	Place thumb in front of the hammer before releasing the trigger when letting hammer down on a live cartridge.
	In case of a misfire, keep the firearm pointed down range at least ten seconds before opening the cylinder.
	After a malfunction unload and check the barrel for obstructions before firing a succeeding shot.
	Unload firearm before leaving the firing line.
	Leave firing line only when command is given.
	A loaded firearm is allowed only on the firing line.
	Dry fire on the range only under the supervision of an instructor.
	Pay strict attention to the range officer. He will instruct you as to exactly what you are to do.

Training Procedure No. 11

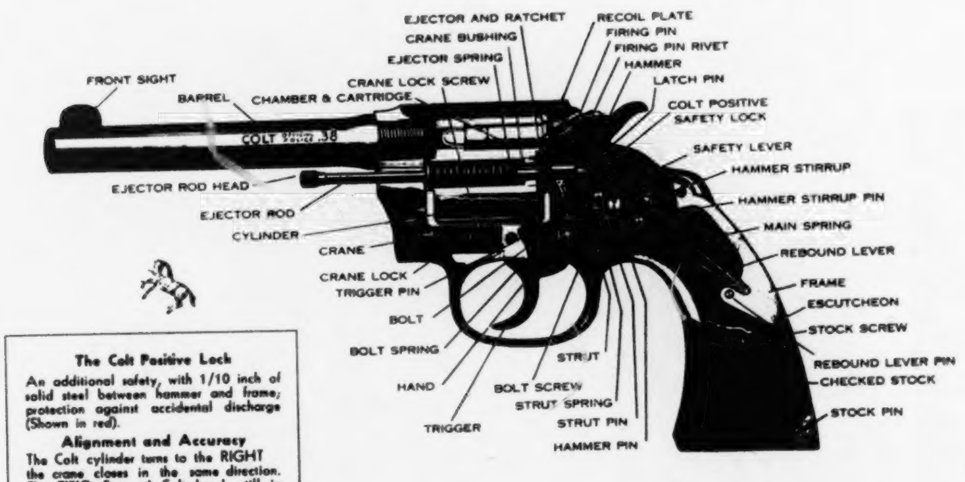
FIREARMS SAFETY AND NOMENCLATURE

STEPS

2. Learn Parts of Revolver

COLT "OFFICIAL POLICE" REVOLVER

Phantom View


FRONT SIGHT
BARREL
CHAMBER & CARTRIDGE
CRANE LOCK SCREW
EJECTOR SPRING
CRANE BUSHING
EJECTOR AND RATCHET
RECOIL PLATE
FIRING PIN
FIRING PIN RIVET
HAMMER
LATCH PIN
COLT POSITIVE SAFETY LOCK
SAFETY LEVER
HAMMER STIRRUP
HAMMER STIRRUP PIN
MAIN SPRING
REBOUND LEVER
FRAME
ESCUTCHEON
STOCK SCREW
REBOUND LEVER PIN
CHECKED STOCK
STOCK PIN
COLT OFFICIAL POLICE .38
EJECTOR ROD HEAD
EJECTOR ROD
CYLINDER
CRANE
CRANE LOCK
TRIGGER PIN
BOLT
BOLT SPRING
HAND
TRIGGER
STRUT
BOLT SCREW
STRUT SPRING
STRUT PIN
HAMMER PIN

The Colt Positive Lock

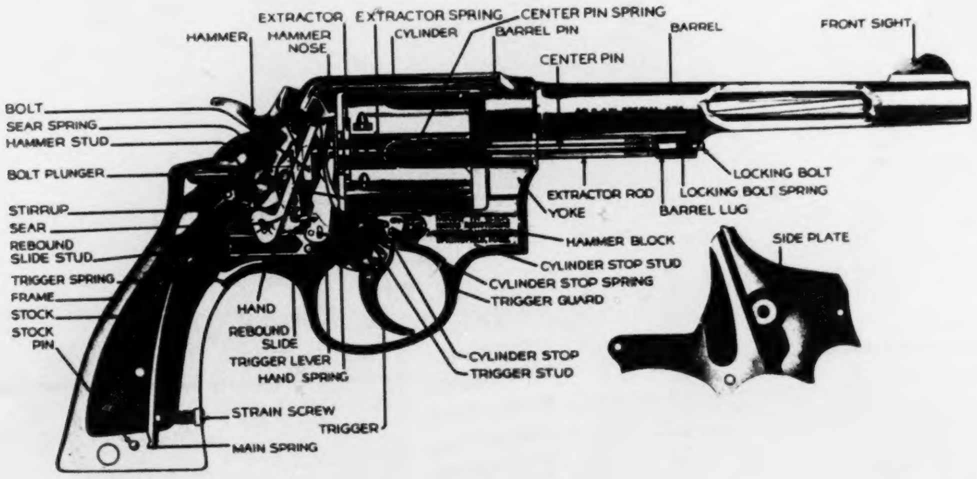
An additional safety, with 1/10 inch of solid steel between hammer and frame; protection against accidental discharge (Shown in red).

Alignment and Accuracy

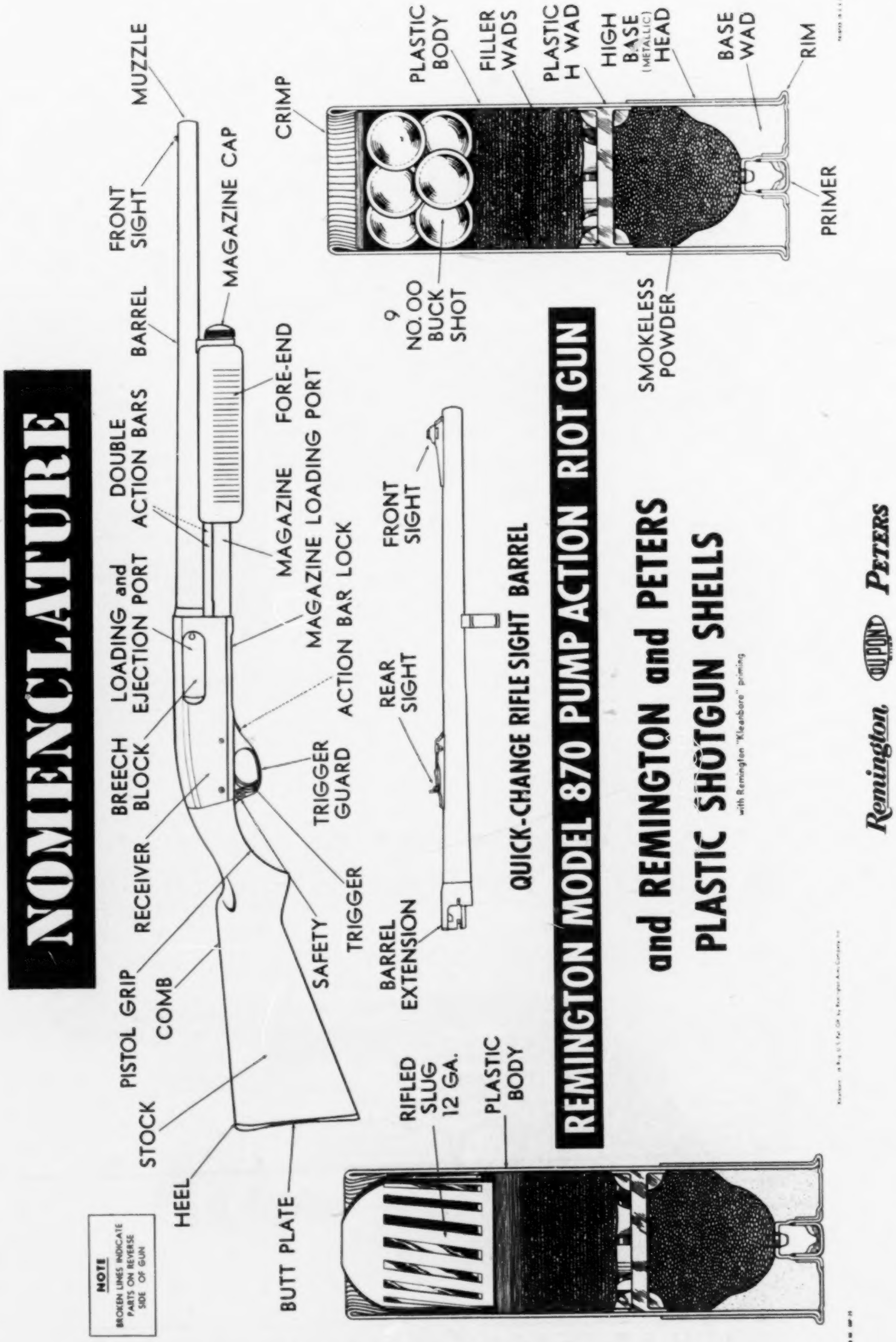
The Colt cylinder turns to the RIGHT the crane closes in the same direction. The TWO Stepped Colt hand, still in the ratchet at the instant of firing, locks the crane against the frame. Proper alignment of chamber and barrel is assured another factor in Colt's Designed Accuracy.

COLT'S PATENT FIRE ARMS MFG. CO., INC.
HARTFORD, CONNECTICUT 06102
PRINTED IN U.S.A.

CUTAWAY VIEW OF THE
38 MILITARY AND POLICE REVOLVER


HAMMER
HAMMER NOSE
EXTRACTOR
EXTRACTOR SPRING
CYLINDER
CENTER PIN SPRING
BARREL PIN
CENTER PIN
BARREL
FRONT SIGHT
BOLT
SEAR SPRING
HAMMER STUD
BOLT PLUNGER
STIRRUP
SEAR
REBOUND SLIDE STUD
TRIGGER SPRING
FRAME
STOCK
STOCK PIN
HAND
REBOUND SLIDE
TRIGGER LEVER
HAND SPRING
STRAIN SCREW
TRIGGER
MAIN SPRING
EXTRACTOR ROD
YOKE
BARREL LUG
LOCKING BOLT
LOCKING BOLT SPRING
HAMMER BLOCK
CYLINDER STOP STUD
CYLINDER STOP SPRING
TRIGGER GUARD
CYLINDER STOP
TRIGGER STUD
SIDE PLATE

SMITH & WESSON SPRINGFIELD, MASS.


NOMENCLATURE
NOTE
BROKEN LINES INDICATE PARTS ON REVERSE SIDE OF GUN
BUTT PLATE
HEEL
STOCK
PISTOL GRIP
COMB
RECEIVER
BREECH BLOCK
LOADING and EJECTION PORT
DOUBLE ACTION BARS
BARREL
FRONT SIGHT
MUZZLE
MAGAZINE CAP
FORE-END
MAGAZINE
MAGAZINE LOADING PORT
MAGAZINE BAR LOCK
ACTION BAR LOCK
TRIGGER GUARD
TRIGGER
SAFETY
BARREL EXTENSION
REAR SIGHT
FRONT SIGHT
QUICK-CHANGE RIFLE SIGHT BARREL
RIFLED SLUG 12 GA.
PLASTIC BODY
CRIMP
PLASTIC BODY
FILLER WADS
PLASTIC H WAD
HIGH BASE (METALLIC) HEAD
BASE WAD
RIM
PRIMER
SMOKELESS POWDER
9 NO. 00 BUCK SHOT
REMINGTON MODEL 870 PUMP ACTION RIOT GUN
and REMINGTON and PETERS
PLASTIC SHOTGUN SHELLS
with Remington "Kleanbore" priming
Remington
DU PONT
PETERS

3. Learn Parts of Shotgun

Training Procedure No. 12

REVOLVER SHOOTING - TARGET - COMBAT

INTRODUCTORY INFORMATION:

Target shooting offered through an organized training situation by a qualified instructor provides the best method to learn the fundamentals of revolver shooting. The use of a revolver as a weapon requires expert training and regular practice. Expert training is necessary to acquire the basic knowledge and skill necessary to develop proficiency in handling the weapon and regular practice is required to maintain and increase proficiency.

Once the officer acquires the basic knowledge and skill of handling the revolver he must then proceed to develop as much skill as possible in reacting to a combat situation. Combat shooting requires firing rapidly and accurately.

Concomitant with skillful use of the weapon is the equally important criterion of determining the justifiable use of the weapon. Not knowing under what circumstances the weapon may be used places the officer at a decided disadvantage. Use of the weapon in any situation must be based on sound judgment with the ever present thought that hanging in the balance of a decision is life or death.

EQUIPMENT:

- Revolver Cleaning Kit .38 Caliber:
  - Bore Brush, Brass wire
  - Bore Cleaner
  - Carwax, fine grade
  - Cloth, Polishing
  - Coarse cloth or extra fine steel wool
  - Cylinder Brush, Nylon or Bristle
  - Gun Grease, Fine Grade
  - Lightweight Oil, Fine Grade
  - Patches, Cleaning
  - Rod, Cleaning with detachable tip
- Screwdriver, small
- Toothbrush or 1/2" to 1" Bristle Paint Brush
- Sidearm, Departmental issue or personal
- Target, Silhouette
- Target, Pasters, Black & White
- Uniform of the Day

Training Procedure No. 12

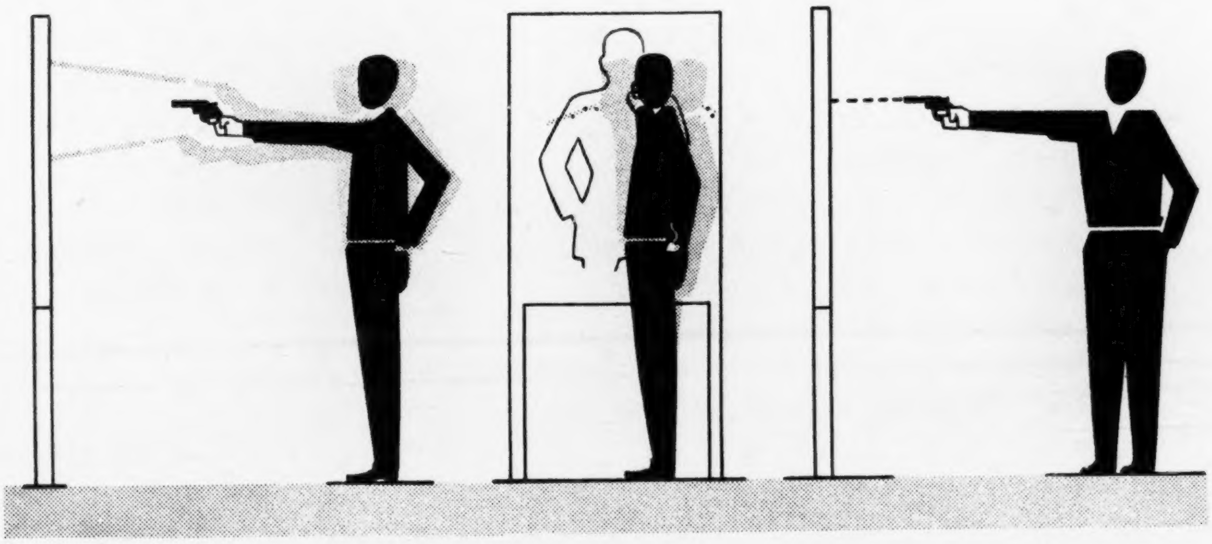
LAW ENFORCEMENT OFFICER TRAINING

GENERAL SAFETY PRACTICES:

Review Safety Practices Training Procedure No. 11

REVOLVER SHOOTING - SINGLE ACTION BULLSEYE TARGET

STEPS	KEY POINTS
1. Assume offhand stance	1. Any one of three positions: 1.1 Face target 1.2 Blade target 1.3 45° angle to target
	2. Feet 12" to 18" apart
	3. Weight evenly distributed
	4. Stance should be practiced till it becomes natural

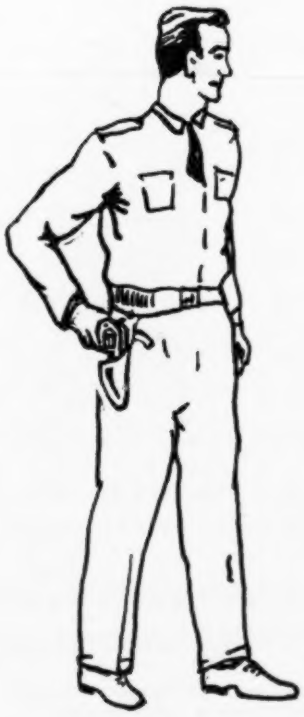


Stances, left to right: facing target directly; "blading" target; compromise position at 45 degree angle to target.

Training Procedure No. 12

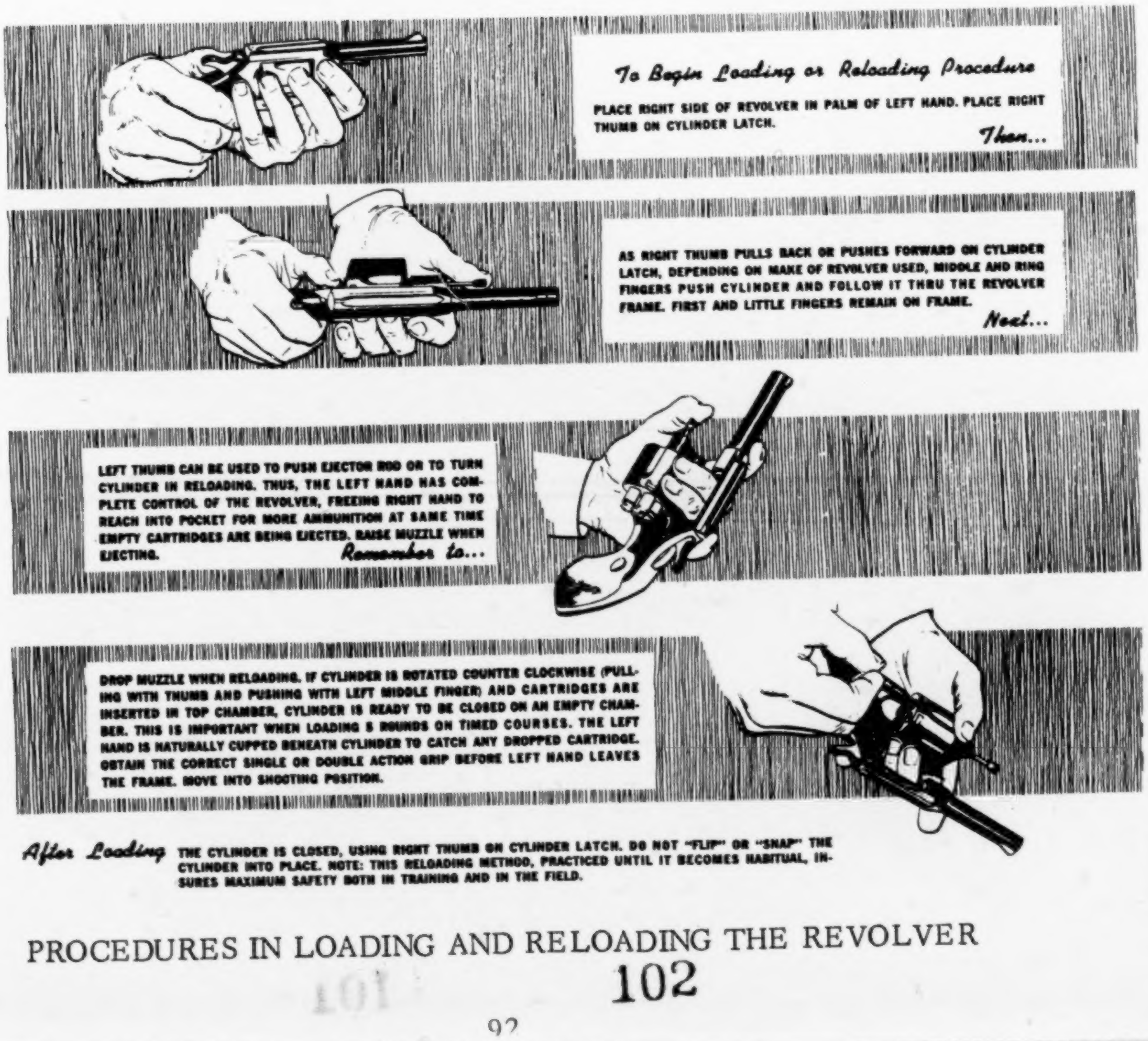
REVOLVER SHOOTING - TARGET - COMBAT

STEPS		KEY POINTS
2. Draw Revolver	2.1	Face target
	.2	Place strong hand on butt of weapon
	.3	Grip firmly
	.3.1	Place webbing between thumb and forefinger high on back strap
	.3.2	Keep trigger finger out of guard.
	.3.13	Thumb high on frame, no pressure
	.3.14	Maintain grip
	.4	Snap weapon out of holster



LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
3. Load Revolver	3.1	Keep weapon pointed down range
	.2	Place revolver in palm of weak hand
	.3	Releasing cylinder latch with thumb of strong hand
	.4	Push cylinder out with middle two fingers
	.5	Obtain six cartridges
	.6	Lower muzzle to 45^{o} angle
	.7	Hold cartridges in palm of strong hand
	.8	Grasp rim of cartridge with tips of thumb, index and middle finger
	.9	Insert cartridge into cylinder chamber
	.10	Revolve cylinder with thumb of weak hand
	.11	Bringing empty cylinder to the top
	.12	Load all cylinders
	.13	Close cylinder, gently



To Begin Loading or Reloading Procedure

PLACE RIGHT SIDE OF REVOLVER IN PALM OF LEFT HAND. PLACE RIGHT THUMB ON CYLINDER LATCH.

Then...

AS RIGHT THUMB PULLS BACK OR PUSHES FORWARD ON CYLINDER LATCH, DEPENDING ON MAKE OF REVOLVER USED, MIDDLE AND RING FINGERS PUSH CYLINDER AND FOLLOW IT THRU THE REVOLVER FRAME. FIRST AND LITTLE FINGERS REMAIN ON FRAME.

Next...

LEFT THUMB CAN BE USED TO PUSH EJECTOR ROD OR TO TURN CYLINDER IN RELOADING. THUS, THE LEFT HAND HAS COMPLETE CONTROL OF THE REVOLVER, FREEING RIGHT HAND TO REACH INTO POCKET FOR MORE AMMUNITION AT SAME TIME EMPTY CARTRIDGES ARE BEING EJECTED. RAISE MUZZLE WHEN EJECTING.

Remember to...

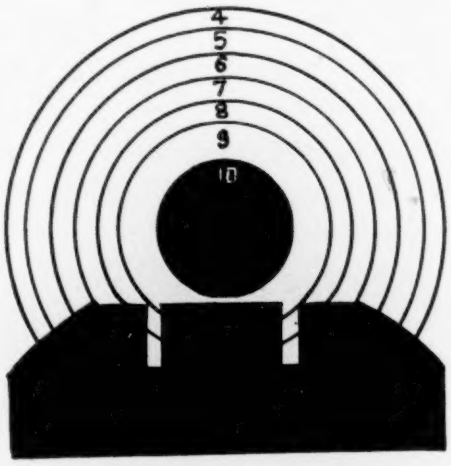
DROP MUZZLE WHEN RELOADING. IF CYLINDER IS ROTATED COUNTER CLOCKWISE (PULLING WITH THUMB AND PUSHING WITH LEFT MIDDLE FINGER) AND CARTRIDGES ARE INSERTED IN TOP CHAMBER, CYLINDER IS READY TO BE CLOSED ON AN EMPTY CHAMBER. THIS IS IMPORTANT WHEN LOADING 5 ROUNDS ON TIMED COURSES. THE LEFT HAND IS NATURALLY CUPPED BENEATH CYLINDER TO CATCH ANY DROPPED CARTRIDGE. OBTAIN THE CORRECT SINGLE OR DOUBLE ACTION GRIP BEFORE LEFT HAND LEAVES THE FRAME. MOVE INTO SHOOTING POSITION.

After Loading THE CYLINDER IS CLOSED, USING RIGHT THUMB ON CYLINDER LATCH. DO NOT "FLIP" OR "SNAP" THE CYLINDER INTO PLACE. NOTE: THIS RELOADING METHOD, PRACTICED UNTIL IT BECOMES HABITUAL, INSURES MAXIMUM SAFETY BOTH IN TRAINING AND IN THE FIELD.

PROCEDURES IN LOADING AND RELOADING THE REVOLVER

REVOLVER SHOOTING - TARGET - COMBAT

STEPS		KEY POINTS
4. Sight on Target	4.1	Extend arm and revolver at shoulder level toward target
	.1.1	Lock shoulder-elbow-wrist in position
	.2	Concentrate vision on revolver sights
	.2.1	Top of front sight even with top of rear sight an equal amount of light on either side of front blade
	.2.2	Target should appear fuzzy or gray, sights clear and sharp

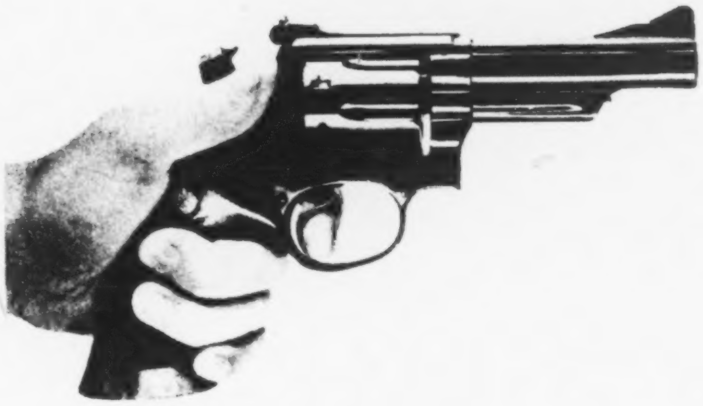


6:00 O'CLOCK HOLD
BULLSEYE TARGET

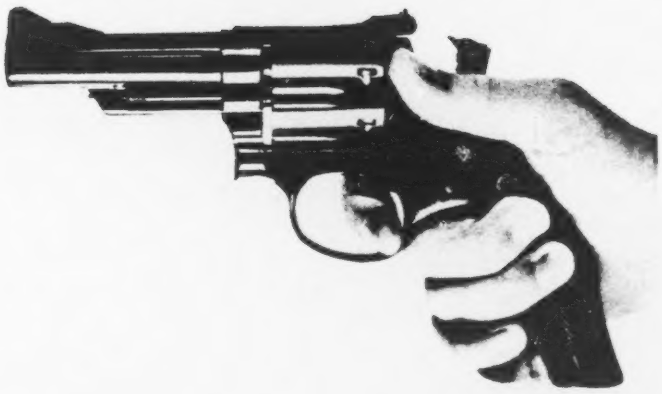
Training Procedure No. 12

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS	
5. Fire at target	5.1	Cock revolver
	.1.1	Use tip of thumb on spur of hammer
	.1.2	Do not relax grip
	.2	Recheck for correct sight picture
	.3	Take a breath, exhale some air, hold rest
	.4	Squeeze trigger
	.4.1	Centering pad of end joint of index finger on trigger
	.4.2	Squeezing straight back
	.4.3	Maintaining constant even pressure on trigger
	.5	Repeat for number of shots required



WEAK HAND - SINGLE ACTION



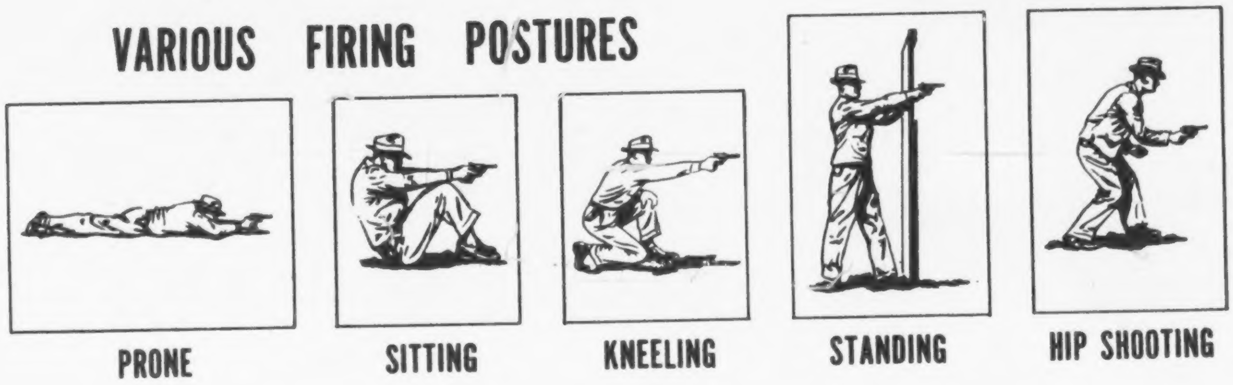
STRONG HAND - SINGLE ACTION

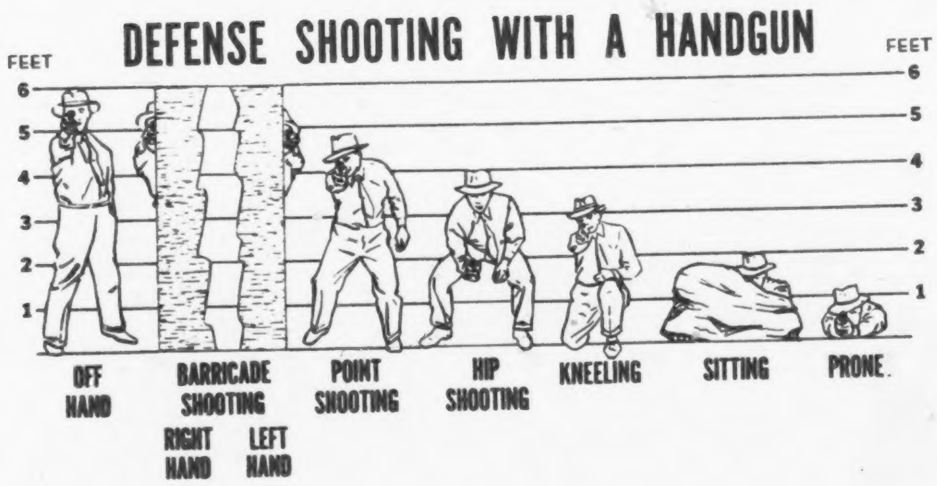
Training Procedure No. 12

REVOLVER SHOOTING - TARGET - COMBAT

REVOLVER SHOOTING - COMBAT - DOUBLE ACTION

STEPS		KEY POINTS
1. Assume Position	1.1	The position best suited to the situation
	1.1.1	Crouch-hip or point shoulder shooting
	.1.2	Standing - offhand or barricade shooting
	.1.3	Kneeling - Point shoulder shooting
	.1.4	Sitting - using knee as rest
	.1.5	Prone - using free hand as rest

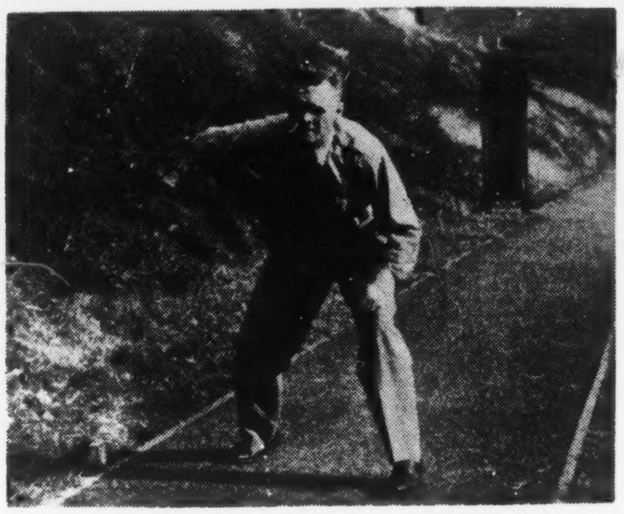

VARIOUS FIRING POSTURES
PRONE
SITTING
KNEELING
STANDING
HIP SHOOTING

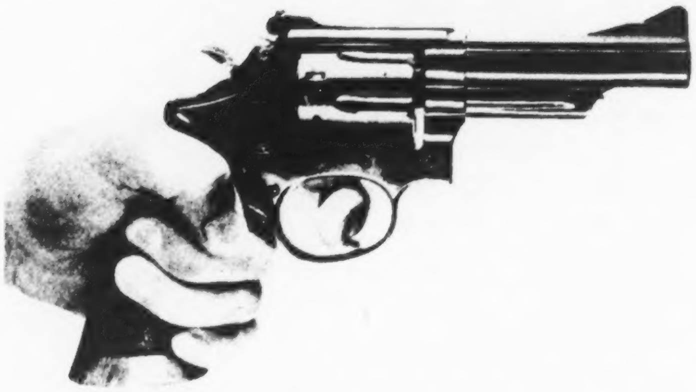

DEFENSE SHOOTING WITH A HANDGUN
FEET
6
5
4
3
2
1
FEET
6
5
4
3
2
1
OFF HAND
BARRICADE SHOOTING
RIGHT HAND
LEFT HAND
POINT SHOOTING
HIP SHOOTING
KNEELING
SITTING
PRONE

Training Procedure No. 12

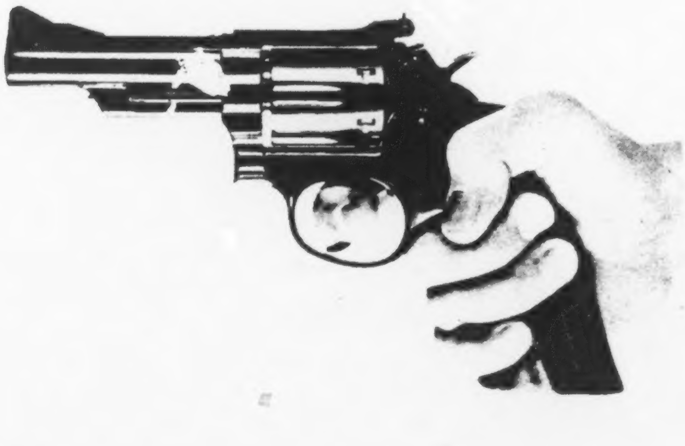
LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
2. Draw Revolver	2.1	While assuming position
	.2	Lock hand on butt thumb down
	.2.1	Keep trigger finger out of trigger guard
	.3	Snap revolver out of holster
	.3.1	Insert trigger finger when revolver clears holster
	.4	Maintain firm grip





WEAK HAND - DOUBLE ACTION

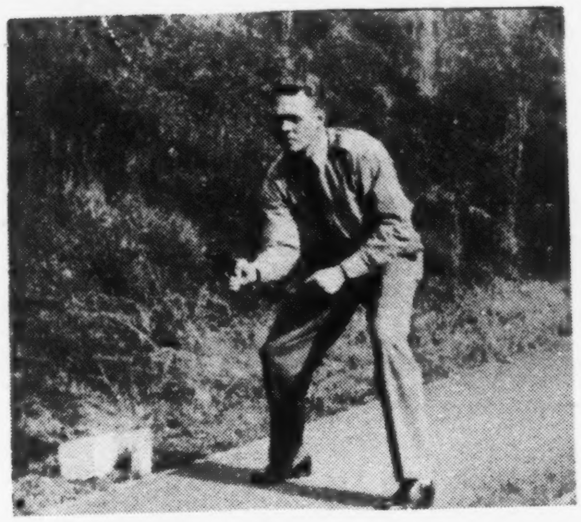


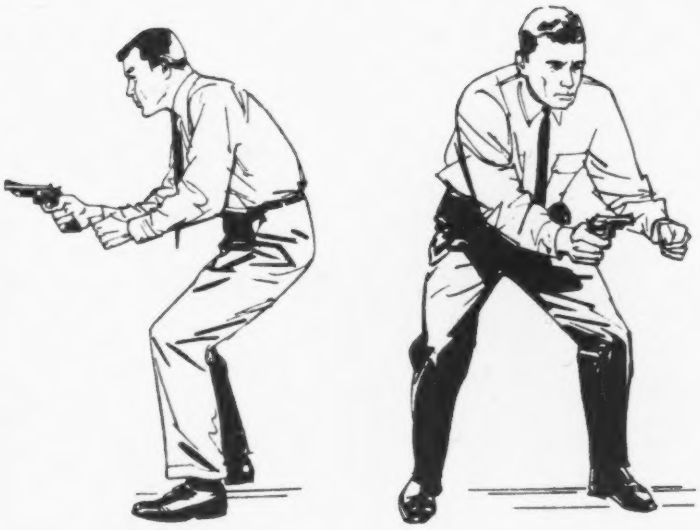
STRONG HAND - DOUBLE ACTION

Training Procedure No. 12

REVOLVER SHOOTING - TARGET - COMBAT

STEPS		KEY POINTS
3. Fire at target	3.1	Concentrate vision on target at distances 0 to 15 yards.
A. Hip shooting	3.a.1	Point revolver at target as you would index finger
	a.2	Upper arm 45° angle, forearm and hand parallel to ground
	a.3	Elbow in front of body (tucked in)
	.2	Trigger finger inserted to first joint or further
	.3	Stroke trigger back, smoothly
	.4	Maintaining firm grip

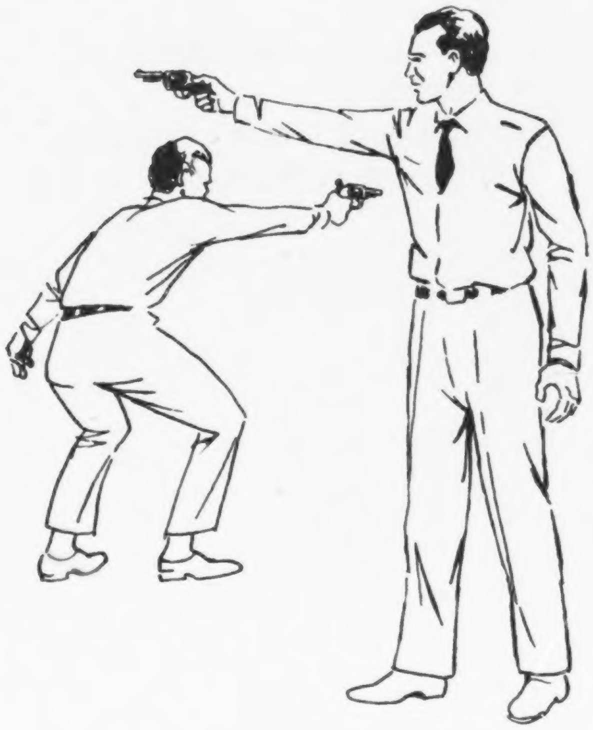




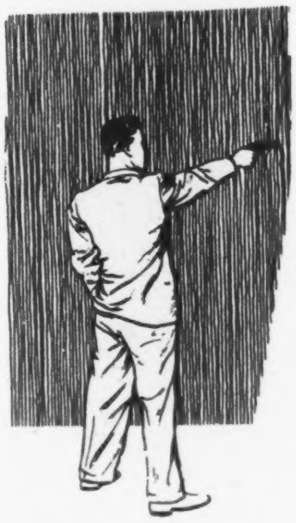
CROUCH POSITION

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
b. Standing or offhand	b.1 In the open or from behind object .2 Feet 12" to 18" apart or best balanced position .3 Holding revolver straight out at shoulder height .4 Locking shoulder, elbow, wrist .5 Focusing vision on revolver sights so target appears fuzzy or gray .6 Stroke trigger back, smoothly .7 Maintaining firm grip



STANDING POSITIONS
WITHOUT SUPPORT

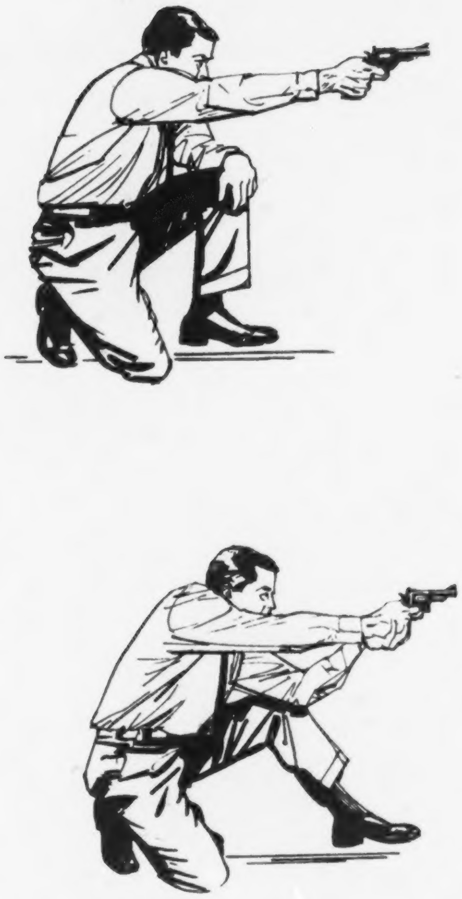


OFF-HAND

Training Procedure No. 12

REVOLVER SHOOTING - TARGET - COMBAT

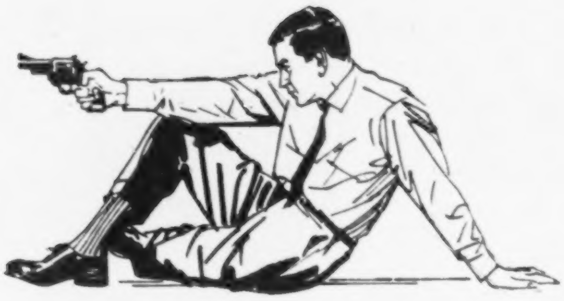
STEPS	KEY POINTS
c. Kneeling	3.c.1 Dropping down to strong knee .2 Holding revolver straight out at shoulder height .3 Locking shoulder, elbow and waist .4 Focusing vision on revolver sights so target appears fuzzy or gray .5 Stroke trigger back, smoothly .6 Maintaining firm grip

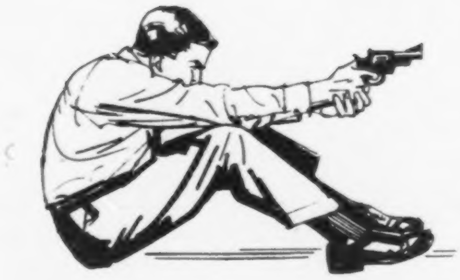


KNEELING POSITION

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
d. Sitting	3.d.1	Place weak hand behind back and sit down
	.2	Extend revolver straight out from shoulder
	.3	Lock shoulder, elbow and wrist
	.4	Focus vision on sights so target appears fuzzy or gray
	.5	Stroke trigger back, smoothly
	.6	Maintaining firm grip

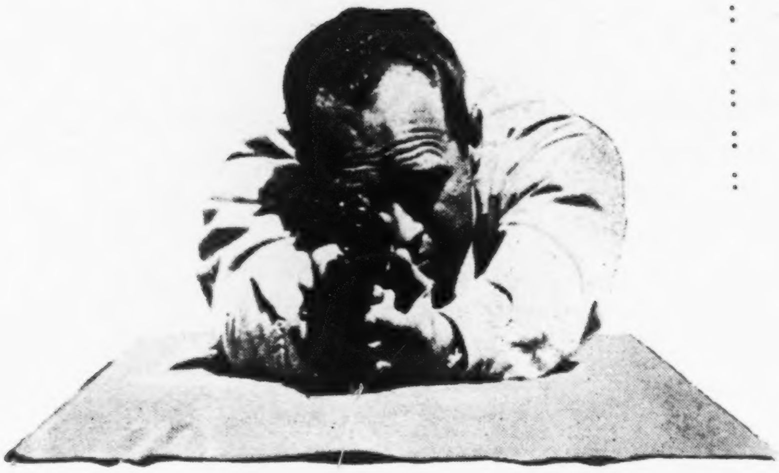




SITTING POSITION

REVOLVER SHOOTING - TARGET - COMBAT

STEPS	KEY POINTS
e. Prone	e.1 Fall to knees and then rest of way down .2 Use weak hand to break fall .3 Extend revolver arm out and lock in position .4 Use palm of weak hand to rest revolver butt (optional) .5 Focus vision on revolver sights so target appears fuzzy or gray .6 Stroke trigger back, smoothly .7 Maintain firm grip



Training Procedure No. 13

FIREARMS, SHOTGUN SHOOTING (12-gauge)

INTRODUCTORY INFORMATION:

The shotgun is a versatile weapon that commands a tremendous psychological respect because of its effectiveness. At close range, loaded with shot, the shotgun is formidable. Actual aiming is not required and the officer can literally spray any given area. Loaded with the rifled slug and at ranges to 100 yards its penetration and stopping power is more than adequate in most instances. It lends itself well to a law enforcement combat situation both psychologically and through effective firepower.

The law enforcement officer who resorts to the use of a shotgun by assignment or choice must be trained in its use. Placed in the hands of an untrained officer the shotgun is dangerous to all involved and its effectiveness is doubtful.

EQUIPMENT NEEDED:

Riot Shotgun, 12-Ga. Pump or Automatic
Shells, 12-Ga. 00 Buck Shot
Shells, 12-Ga. Rifled slug
Shotgun, 12 Ga. Cleaning kit
Target, Bobber

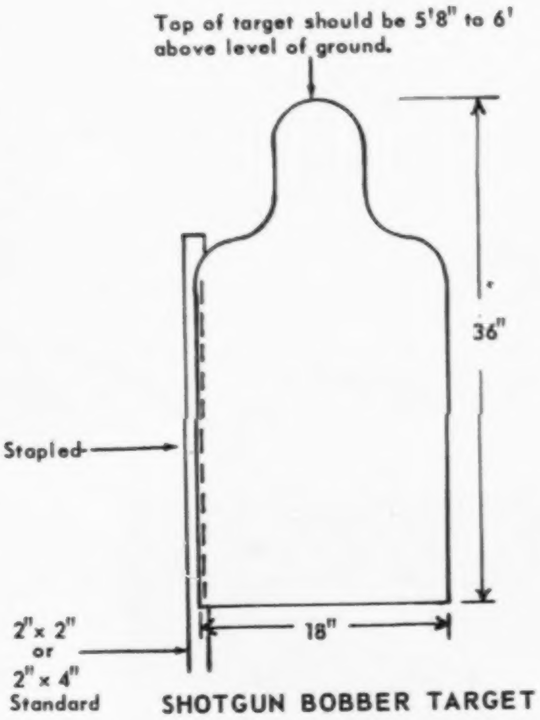
GENERAL SAFETY PRACTICES:

Make certain safety is on at all times other than actual firing
Never load until instructed to load
Keep shotgun pointed down range at all times
Check shotgun shells to make certain they are proper gauge and
  load - pellet - slug
Visually check barrel and receiver for obstruction

Training Procedure No. 13

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
1. Assume stance a. Hip	1.1 Facing target 2. Lock stock against side just above hip 3. Use forearm parallel to stock for locking 4. Pointing shotgun at target 5. Using peripheral vision to line up barrel and target 6. Place weak hand on fore-end


Top of target should be 5'8" to 6' above level of ground.
36"
Stapled
18"
2"x 2" or 2"x 4" Standard

SHOTGUN BOBBER TARGET
(cardboard or similar material)

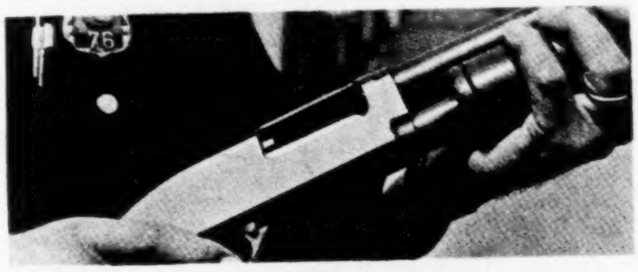
STEPS	KEY POINTS
b. Shoulder	1.b.1 Bring shotgun to shoulder height .2 Fit stock tight against shoulder on muscular portion .3 Point shotgun at target .4 Place weak hand on fore-end
2. Load shotgun a. Pump	2.a.1 Make certain safety is in "on" position a.2 Turn shotgun over so trigger guard is up and pointing down range or elevated a.3 Check shells for damage, proper gauge, proper load a.4 Insert shells in magazine loading port a.5 Start shell in by using thumb, index and middle finger a.6 Use thumb on base of shell to push shell in rest of way a.7 After magazine loaded return shotgun to firing position a.8 Pull back quickly and firmly on fore-end to load shell in firing chamber
b. Automatic	2.b.1 Follow above procedure except pull back on operating handle to load shell in firing chamber

FIREARMS, SHOTGUN SHOOTING (12-gauge)

1. Demonstrate-Follow each key point-Have officers face down range. Inspect shotguns making certain they are empty- Have them practice positions (hip-shoulder). Check each to make certain weapon is properly positioned.

2. Demonstrate-Follow key points - Have officers practice loading on whistle signal one shell at a time.

Is the gun empty?



Check the open breech for yourself, keeping finger off trigger.

Before loading, engage safety, elevate muzzle.

With muzzle elevated — load with breech block closed.

After loading, come to ready or port position — wait for commands.

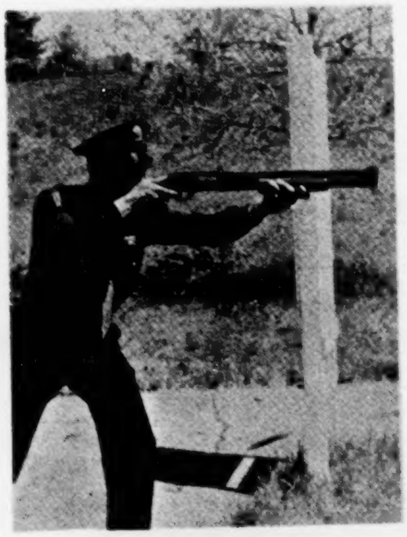
Training Procedure No. 13

FIREARMS, SHOTGUN SHOOTING (12-gauge)

STEPS		KEY POINTS
3. Fire shotgun	3.1	Release safety with index finger
	.2	Recheck sight alignment
a. pump	.3	Squeeze trigger back firmly and rapidly
	.4	Release trigger completely
	.5	Readjust shotgun on target if necessary
	.6	Pull back quickly and firmly on fore-end to reload chamber
	.7	Repeat trigger squeeze and reloading as often as necessary
b. Automatic	b.1	Trigger may be squeezed till all rounds are expended then reloaded.

SHOOTING TIPS

BASIC FUNDAMENTALS



1. THE STANCE. The right-handed shooter should assume a shooting position with the left foot one half step in front of and about one foot to the left of the right foot. The line of the shooter's shoulders should be 45 degrees to the left and away from the line of the gun. The knees should be slightly bent. The shooter should lean into the shotgun to prevent being put off balance by recoil. Good solid stance helps the shooter relax and move the weapon properly. (Left-handed shooters merely reverse the position of the feet and shoulders as outlined above.)

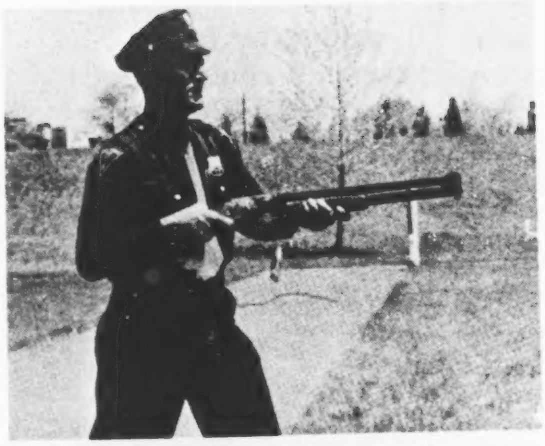
2. MOUNTING THE GUN. It is improper for the shooter to bring his weapon up from a point directly under his shoulder. A shotgun should be pushed out and then brought up and back to the shoulder in line with the direction of the shot. The good shooter puts his gun to his face. The poor shooter puts his face to the gun.

FIREARMS, SHOTGUN SHOOTING (12-gauge)

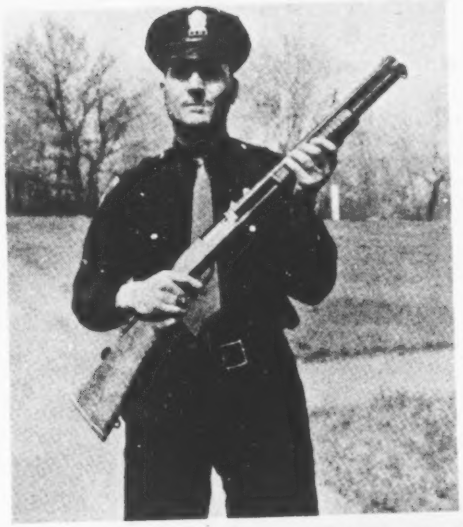
3. Demonstrate-Have officers fully load shotgun and fire at bobber target from hip position and shoulder position - alternate firing use whistle signals.

Upon conclusion of shotgun shooting demonstrate rifle fire.
Have the students practice with rifle that is used by their department.
Recommended minimum firing is 10 rounds per man.

3. AIMING. Preferably, the rifle, handgun, and shotgun, all should be shot with both eyes open. The shooter who shoots with one eye closed has a much more difficult time in judging range than does the shooter who uses his normal binocular vision. Mounting the gun as in No. 2 above, the good shooter thrusts his head out into the position it will be when he fires the gun. As the butt is brought up and back to his shoulder, his eye is in line with the barrel and he is ready to shoot.

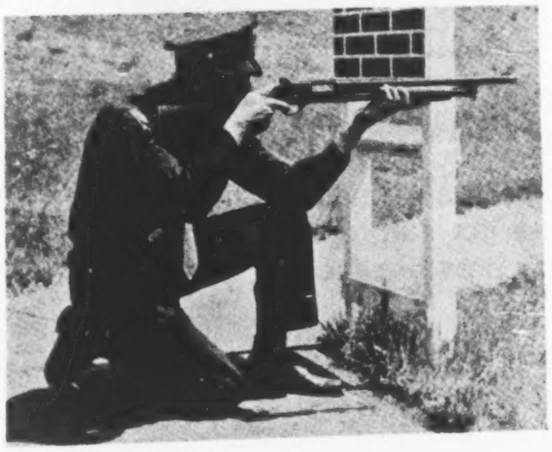


HIP



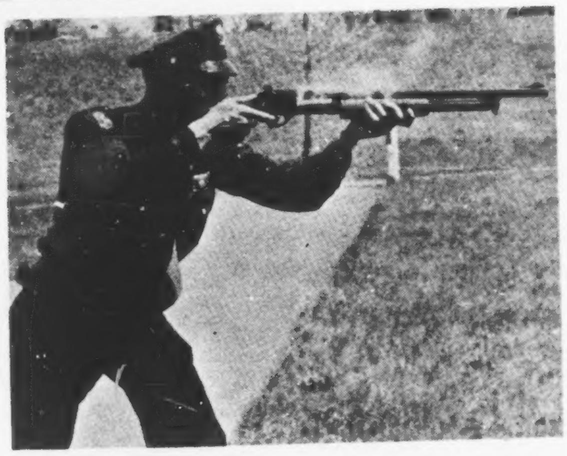
PORT ARMS OR

READY POSITION



KNEELING

AIMED



Training Procedure No. 14

CIVIL AND DOMESTIC COMPLAINTS, DEALING WITH

INTRODUCTORY INFORMATION:

Ministering to the needs of the public is an integral part of an officer's duties. The "need," as identified by a person, usually is in the form of a complaint, request for assistance, or protection. Often these complaints or requests are totally unrelated to the primary or secondary responsibilities of law enforcement. Yet, they must be dealt with because the individual has indicated a "need." The nature of the complaint or request, may at times, be vague thereby requiring personal response or contact by an officer. On the other hand the "need" may be resolved by the person receiving the information via telephone or personal contact at the agency. Either instance necessitates the proper disposition by the officer. The proper disposition can be satisfactorily accomplished when the officer learns how to effectively deal with this "need."

Acceptable performance by the officer helps to create the public support of law enforcement which is absolutely necessary if law enforcement is to fulfill its primary and secondary responsibilities.

EQUIPMENT NEEDED:

Notebook, Pocket Field
Pen, Ball Point

GENERAL SAFETY PRACTICES:

Avoid taking sides in any issue
Entering all premises and approaching all persons and things with caution

	STEPS		KEY POINTS
1.	Receive assignment or information	1.1	From dispatcher
		.2	Acknowledging call immediately
		.3	Identifying unit and location
		.4	From citizen, notifying dispatcher
		.5	Stopping patrol car before writing
		.6	Recording on patrol car desk pad:
		.6.1	Location of scene
		.2	Type of complaint
		.3	Person to be contacted and/or complainant and address.

Training Procedure No.14

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.6.4	Time received
		.7	Repeating location to dispatcher for verification
		.8	Acknowledging receipt of transmission
		.9	Requesting required information
		.10	Understanding assignment
2.	Proceed to scene	2.1	As soon as possible, unless otherwise instructed
		.2	Using most expeditious route
		.3	Driving safely
		.4	Obeying all traffic laws
		.5	Planning operations within known information
		.6	Notifying dispatcher of personal knowledge
3.	Arrive at scene	3.1	Parking safely
		.2	Giving dispatcher exact location
		.3	Signalling dispatcher "Out of Service"
		.4	Recording time
		.5	Removing ignition key
		.6	Taking required equipment
		.7	Alighting from patrol car with caution
		.8	Locking patrol car
		.9	Entering onto all premises with caution
		.10	Approaching all persons and things with caution
4.	Observe scene and situation	4.1	Appearing and keeping calm
		.2	Determining personal safety
		.3	Gathering information
		.4	Determining future action
		.5	Noting:
		.5.1	Mood and state of participants or complainant
		.2	Physical and mental conditions of participants or complainant
		.6	Scanning area for potential weapons

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
5. Preserve the peace	5.1 Greeting complainant or participants with a smile
	.2 Asking, "May I be of service?"
	.3 Speaking in soft conversational tone
	.4 Quieting persons present
	.5 Removing participants to secluded area
	.6 Separating participants
	.7 Rendering personal service impartially
6. Identify participants or complainant	6.1 Contacting complainant first, by name
	.2 Contacting witnesses in logical order
	.3 Requesting participants to identify witnesses
	.4 Recording in notebook: .1 Name .2 Age .3 Address .4 Telephone number .5 Occupation .6 Employer: .1 Address .2 Telephone number
7. Interview participants	7.1 Individually and privately
	.2 Obtaining accurate information
	.3 Allowing interviewees to tell own version of event
	.4 Asking as few questions as possible
	.5 Recording required notes at completion
	.6 Repeating interviewees' statements for verification
	.7 In logical order, depending on circumstances
8. Verify cause of complaint	8.1 Those against government
	.2 When possible and within capabilities
	.3 Determining that complaint is civil

Training Procedure No. 14

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
9.	Take corrective action	9.1	Those against government
		.2	When possible and within capabilities
		.3	Writing memorandum to department concerned when unable to correct cause
		.4	Addressing memorandum to department head
		.5	Routing it through supervisor
		.6	Completing memorandum before going off duty
		.7	Keeping a copy for reference
		.8	Making recommendation when advisable
10.	Explain jurisdiction limitations	10.1	Regarding civil matters
		.2	Between local government departments
		.3	Concerning law enforcement agency's regulations and policies
		.4	In a courteous manner
11.	Inform and direct complainant	11.1	Avoid taking sides in any issue
		.2	Avoid giving legal advice
		.3	Of possible courses of action
		.1	Avoiding the suggestion of any possible results
		.4	Regarding the name, address, and business hours of the proper agency to contact
		.5	Stating what officer can or will do to assist
		.6	What complainant can do to assist in solution of complaint
		.7	Asking if instructions and directions are understood
		.8	Writing them out, if necessary
		.9	Thanking the complainant

Training Procedure No. 15

FIRE SCENES, HANDLING

INTRODUCTORY INFORMATION:

Fire fighting is a fireman's task but many times the law enforcement officer is first on the scene. Some of the problems which involve an officer at a fire scene are usually spectators, vehicular traffic congestion and emotional instability. If the officer knows and identifies the problems which may arise and then takes effective measures to prevent or handle them, this materially assists the fire service and citizens of the community. On the other hand, when these problems are not effectively handled, fire fighting efforts may be hindered, personal injury and death multiplied and additional property damage incurred. Through effective handling lives may be saved and government service is definitely improved.

EQUIPMENT NEEDED:

Blanket
Fire Extinguisher, CO_2
Fusees
Flashlight, Safety Approved
Notebook, Pocket Field
Rope

GENERAL SAFETY PRACTICE:

Do not enter a burning structure except to save lives

	STEPS		KEY POINTS
1.	Receive assignment	1.1	From dispatcher
		.2	Acknowledging initial call immediately
		.3	Identifying unit and giving location
		.4	Stopping patrol car before writing
		.5	Recording on patrol car desk pad: .1 Location of scene .2 Person to be contacted .3 Time received
		.6	Noting situation at scene
		.7	Noting actual or potential hazards to persons involved
		.8	Noting personal hazards
		.9	Noting avenues of approach
		.10	Understanding assignment
		.11	Requesting required information

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.12	Repeating location of scene for verification by dispatcher
		.13	Ascertaining if fire department has been notified
2.	Proceed to scene	2.1	Promptly
		.2	Driving safely
		.3	Using most expeditious route
		.4	Considering avenues of approach
		.5	Avoiding use of patrol car siren and beacon unless otherwise instructed
		.6	Planning operations within known information
		.7	Requesting information and/or assistance--as required
		.8	Notifying dispatcher of personal knowledge
		.9	Observing traffic problems in vicinity of scene
		.10	Watching for persons leaving the immediate scene
		.11	Watching for fire apparatus responding to scene
		.12	Yielding right-of-way to fire apparatus
3.	Observe scene and situation	3.1	While approaching
		.2	Gathering information
		.3	Determining personal safety
		.4	Noting vehicles blocking fire lane
		.5	Determining presence of fire fighting apparatus
		.6	Noting color and amount of flames and smoke
		.7	Noting number of fires
		.8	Noting rapidity of flame spread
		.9	Detecting flammable odors
		.10	Noting direction of wind
		.11	Determining if neighboring structures are in danger

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
4.	Arrive at scene	4.1	Noting time
		.2	Turning on patrol car beacon
		.3	Parking safely
		.4	Avoiding interference with fire fighting apparatus
		.5	Using patrol car as barricade
		.6	Keeping calm
		.7	Extinguishing incipient fire
		.8	Notifying dispatcher of state of fire
		.9	Giving exact location
		.10	Notifying dispatcher of presence of fire fighting apparatus
		.11	Alighting from patrol car with caution
		.12	Locking patrol car
		.13	Determining if there are occupants in burning structure
		.14	Determining if there are occupants in neighboring structures
		.15	Determining if anyone has been killed or injured
		.16	Directing fire fighting apparatus to scene
		.17	Removing parked vehicles only upon request of fire service officer-in-charge
		.18	Requesting assistance--as required
5.	Rescue occupants	5.1	Only if fire fighters are not present and conditions permit
		.2	Warning inhabitants by use of siren and horn
		.3	Assisting occupants physically
		.4	Preventing exposure
		.5	Deter occupants from re-entering burning structure

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.6	Determining if all occupants have escaped
		.7	Avoid the wearing of raingear into burning structure
		.8	Using wet blanket for protection
		.9	Covering nose and mouth with wet hankerchief
		.10	Entering burning structures with extreme caution
		.11	Feeling door to determine heat
		.11	Opening door only if hand can withstand heat
		.13	Opening door wide, standing to one side
		.14	Closing door after passing through
		.15	Stooping to knee height
		.16	Remembering hot and toxic gases rise fast
		.17	Realizing entrance route may not be safe exit route
		.18	Avoiding the use of flashlight not safety approved
6.	Care for victims	6.1	Promptly
		.2	Requesting appropriate assistance
		.3	Notifying dispatcher
		.4	Arranging for care of homeless
		.5	Contacting appropriate service agency or relatives
7.	Control traffic	7.1	Vehicular and pedestrian
		.2	Keeping fire lane open
		.3	Until properly relieved
		.4	Courteously and firmly
		.5	Preventing damage to fire fighting apparatus
		.6	Preventing interference with fire fighting operations

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.7	Removing those vehicles indicated by fire service officer-in-charge
		.8	Warning and diverting vehicular traffic
		.9	Selecting and directing to alternate route
		.10	Setting up fire lines
		.11	Using patrol car, barricades, and lighting
		.12	Using bystanders temporarily for assistance
		.13	Permitting authorized vehicles only inside vehicle fire line
		.14	Permitting fire fighting personnel only inside pedestrian fire line
		.15	Facing crowd to control bystanders
		.16	Checking with fire service officer-in-charge prior to opening additional lanes of traffic at scene
		.17	Allowing and assisting traffic to regain normal flow when emergency is ended
		.18	Assisting fire fighting apparatus in leaving scene
		.19	Leaving scene after securing clearance from fire-service officer-in-charge
8.	Guard property	8.1	Until arrival of claimant
		.2	Until arson investigation is completed
		.3	Until properly relieved
		.4	Keeping unauthorized persons away
		.5	Securing building
		.6	Barricading area
		.7	Placing all property in one place
		.8	Determining ownership

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.9	Segregating according to ownership
		.10	Identifying claimant
		.11	Releasing property to owner or authorized claimant only
		.12	Recording time property released and identification of claimant
		.13	Receiving receipt for released property
		.14	Informing, if requested, claimant of available security arrangements
9.	Assist fire service	9.1	Looking for evidence of incendiarism and/or other offense
		.2	Arranging for photographing scene and spectators, in color preferably
		.3	Noting and observing spectators
		.4	Identifying habitual fire spectators
		.5	Checking with fire fighting personnel
		.6	Notifying supervisor of suspected offense
10.	Submit reports	10.1	Whenever incendiarism and/or evidence of other offense is indicated or when fire department did not respond
		.2	Promptly
		.3	Using appropriate forms
		.4	Constituting permanent record
		.5	Completing at headquarters
		.6	Submitting to supervisor

Training Procedure No. 16

DISASTER SCENE, HANDLING

INTRODUCTORY INFORMATION:

Natural disasters are oftentimes predictable, for example, those created by weather. Consequently, operations can be pre-planned by law enforcement so that this type of disaster may be effectively handled. On the other hand, another type of disaster, the unpredictable occurs as a result of violent forces erupting to create destruction of life and property. Even though this type of disaster seldom occurs, law enforcement must still pre-plan for it.

The primary role of law enforcement is coordination of all efforts at the disaster scene. Control exercised by law enforcement at the scene will most effectively achieve the necessary coordination.

The first officer upon the scene will be the key to the successful implementation of the departments pre-planned disaster operation. Among other duties, he will provide vital information to the communications center so that any emergency or rescue operation can be undertaken promptly and efficiently. Because of the very nature of a disaster it is extremely easy for an officer to be caught-up in the panic. The officer must know the duties at the scene and fulfill them. Above all he cannot become a part of or party to the panic.

EQUIPMENT NEEDED:

Blanket
Flashlight, Safety Approved
Fusees
Notebook, Pocket Field
Rope, Polyproplyene or nylon

GENERAL SAFETY PRACTICES:

Be calm
Be constantly alert for potential personal hazards

STEPS	KEY POINTS
1. Receive assignment and information	1.1 From dispatcher
	.2 Acknowledging initial call immediately
	.3 Identifying unit and giving location

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.4	Stopping patrol car before writing
		.5	Recording on patrol car desk pad:
		.1	Location of scene
		.2	Person to be contacted
		.3	Time received
		.6	Noting situation at scene
		.7	Noting affected and potential affected area
		.8	Noting avenues of approach
		.9	Noting actual or potential hazards to persons involved
		.10	Noting personal hazards
		.11	Understanding assignment
		.12	Requesting required information
		.13	Ascertaining what other emergency service units have been dispatched
		.14	Repeating location of scene for verification by dispatcher
2.	Proceed to scene	2.1	Promptly
		.2	Driving safely
		.3	Considering avenues of approach
		.4	Using most expeditious route
		.5	Avoiding use of patrol car beacon and siren unless otherwise instructed
		.6	Planning operations within known information
		.7	Requesting information and/or assistance--as required
		.8	Notifying dispatcher of personal knowledge
		.9	Watching for and yielding right-of-way to other emergency vehicles responding
		.10	Exercising care when driving in danger areas

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
3.	Make reconnaissance	3.1	Rapidly and calmly
		.2	Gathering accurate information
		.3	Determining perimeter of Theater of Operations:
		3.3.1	Immediate disaster area
		.2	Potential disaster area
		3.4	Determining serious damage to:
		.1	Trafficways
		.2	Public utilities
		.3	Sewer systems
		.4	Buildings
		.5	Determining number of persons:
		.1	Killed
		.2	Injured
		.3	Homeless
		.4	Panic stricken
		.6	Determining law enforcement hazards which afford possibilities of looting
		.7	Determining number, location, and stage of fires
		.8	Determining direction of wind
		.9	Obtaining information desired by dispatcher
		.10	Determining emergency vehicle lanes
		.11	Locating and identifying unexploded ordinance
		.12	Working in towards center of Theater of Operations
4.	Report information	4.1	To dispatcher
		.2	Immediately and calmly
		.3	When radio is free for transmission
		.4	Identifying unit and location
		.5	Indicating results of reconnaissance
		.6	Labeling statements that are opinions
		.7	Keeping transmissions brief
		.8	Breaking long transmissions periodically

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
5.	Arrive at scene	5.1	Observing while approaching
		.2	Stopping siren, if used, leaving on patrol car beacon
		.3	Parking properly
		.4	Watching for toppling buildings, street cave-ins, and downed wires
		.5	Requesting assistance
		.6	Alighting from patrol car with caution
		.7	Avoiding interference with emergency apparatus
		.8	Locking patrol car
		.9	Rescuing victims
		.10	Administering first aid
6.	Observe scene and situation	6.1	Gathering further information
		.2	Determining personal safety
		.3	Determining number and degree of personal injuries
		.4	Determining amount and degree of property damage
		.5	Noting type and amount of emergency and/or rescue equipment and personnel required
		.6	Noting danger to neighboring property
7.	Establish law enforcement lines	7.1	As ordered by supervisor or dispatcher
		.2	Preventing further injury and damage
		.3	Keeping unauthorized vehicles and pedestrians away from scene
		.4	Keeping emergency vehicle lanes open
		.5	Preventing interference with rescue operations
		.6	Using patrol car as barricade
		.7	Controlling traffic

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.8	Selecting and directing traffic to alternate routes
		.9	Maintaining lines until emergency is ended or until properly relieved
		.10	Assisting traffic in returning to normal flow
8.	Guard property	8.1	Preventing looting
		.2	Keeping unauthorized persons away
		.3	Issuing receipt for found property to finder
		.4	Turning in found property to property officer
		.5	Determining and identifying owner
		.6	Recording information learned
		.7	Until properly relieved

Training Procedure No. 17

UNLAWFUL GATHERING, HANDLING

INTRODUCTORY INFORMATION:

The beat officer will occasionally be called upon to handle various types of public gatherings. These assignments may range from school-aged children playing in the street, to thousands of adults rioting in a community. A riotous mob is an example of what a community would be like without law enforcement services. The law exists prohibiting such conduct; but it is not effective without the officer's enforcement.

Any public gathering is a potentially explosive situation. Unfortunately it is extremely difficult to determine who or what will light the fuse. Certain elements that are clues to a potential mob or riot can be detected. When these are recognized and handled it may well be that a potentially explosive situation can be controlled.

EQUIPMENT NEEDED:

Baton, Riot
Form, Field Interrogation Report
Form, Preliminary Investigation Report
Form, Request to Disperse
Gas Masks
Grenades, Tear Gas
Helmet, Safety
Riot Statute, Prepared Copy in Pocket Notebook
Shotgun, Riot

GENERAL SAFETY PRACTICES:

Be calm, firm, and objective
Concentrate on dispersal
Maintain vigilance
Wearing safety helmet properly secured at all times
Watch for objects thrown from behind front ranks of gathering
Avoid encirclement
Maintain position in formations
Guard officers and other departmental equipment
Riot equipment must be in good order
Remove wrist watch, badges, glasses, and neckties

Training Procedure No. 17

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Receive assignment and information	1.1	From dispatcher
		.2	Acknowledging call immediately
		.3	Identifying unit and giving location
		.4	Stopping patrol car before writing
		.5	Recording on patrol car desk pad:
		.1	Location of scene
		.2	Type of offense
		.3	Person to be contacted
		.4	Time received
		.6	Noting situation at scene
		.7	Noting actual or potential hazards to persons involved
		.8	Noting estimated number of persons involved
		.9	Noting kind and number of weapons involved
		.10	Noting personal hazards
		.11	Noting avenues of approach
		.12	Understanding assignment
		.13	Requesting required information
		.14	Repeating location of scene for verification by dispatcher
2.	Proceed to scene area	2.1	Quickly as possible
		.2	Driving safely
		.3	Using most expeditious route
		.4	Considering avenues of approach
		.5	Using patrol car beacon and/or siren--as required
		.6	Planning operations within known information
		.7	Notifying dispatcher of personal knowledge
		.8	Observing traffic problems in vicinity of scene
		.9	Stopping patrol car at selected vantage point
		.10	Allowing avenues of escape for crowd
		.11	Turning off patrol car beacon and stopping siren

Training Procedure No. 17

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
3.	Observe scene and situation	3.1	From selected vantage point
		.2	Keeping out of sight
		.3	Keeping calm
		.4	Gathering information
		.5	Determining personal safety
		.6	Determining mood and state of gathering
		.7	Noting type and direction of movement
		.8	Scanning group for weapons or potential weapons
		.9	Scanning area for avenue of departure for crowd
		.10	Identifying leaders
		.11	Noting offenses and identifying perpetrators
		.12	Determining future action
4.	Request assistance	4.1	As required
		.2	Using radio
		.3	Notifying dispatcher of:
		.1	Situation at scene
		.2	Number of persons involved
		.3	Weapons being or liable to be used
		.4	Asking that supervisor be sent
		.5	Designating sufficient personnel, weapons, and equipment to insure success
		.6	Designating assembly point
		.7	Designating routes of approach
		.8	To photograph for other units, scene and participants
5.	Plan tactics	5.1	With supervisor, dispatcher, and assisting personnel
		.2	Selecting avenues of officer's approach and escape for crowd
		.3	Selecting formations (See App. 27, 28, 29, 30)
		.4	Designating positions, weapons, and equipment

Training Procedure No. 17

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.5	Assigning duties
		.6	Assigning guard to law enforcement agency's equipment
		.7	Selecting method of handling prisoners and injured
		.8	For removing cause of dissension
6.	Request dispersal	6.1	From discreet distance
		.2	Protecting speaker
		.3	Keeping calm
		.4	Maintaining military bearing
		.5	Remaining courteous but firm
		.6	Speaking in conversational and understandable tone
		.7	Request cooperation (See Appendix 31)
		.8	Explaining reasons for request
		.9	Avoiding arguments
		.10	Thanking participants for cooperation
		.11	Notifying gathering of:
		.1	Actual and potential offenses
		.2	Possible injury
		.3	Allotted time and avenues of departure
		.12	Using loudspeaker to insure hearing
7.	Order dispersal	7.1	At end of allotted time
		.2	Keeping calm
		.3	According to law (See Appendix 32)
		.4	Identifying self as a law enforcement officer, by name and agency
		.5	Reading the riot statute
		.1	Placing an officer on opposite perimeter of assembly to test and insure hearing
		.6	Designating time allotted for compliance

Training Procedure No. 17

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
8.	Approach assembly	8.1	At expiration of allotted time
		.2	To physically disperse crowd
		.3	Removing wrist watch, shoulder strap, glasses, tie, and badges
		.4	Wearing prescribed equipment
		.5	Carry prescribed weapons
		.6	Fearlessly
		.7	Keeping calm
		.8	In prescribed formation
		.9	Maintaining position in formation
		.10	Advancing at slow, steady pace
		.11	Avoiding conversation
		.12	Listening for commands
		.13	Being alert to potential hazards
		.14	Using peripheral vision
		.15	Watching for objects thrown from behind front ranks of assembly
		.16	Executing orders with snap, confidence, and precision
		.17	Caring for injured officers
9.	Arrest violators	9.1	Objectively and impartially
		.2	Selecting leaders and agitators
		.3	Removing them quickly from view and scene
		.4	Protecting arresting officers
		.5	Guarding against escape or liberation attempts
		.6	Gathering physical evidence
		.7	Protecting weapons and/or evidence
		.8	Using only necessary force
10.	Follow-up	10.1	To prevent recurrence
		.2	Gathering information and evidence for reports and prosecution
		.3	Determining cause, instigators, and method of operation
		.4	Identifying participants
		.5	Breaking up large segments into ever smaller groups

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
11.	Submit reports	11.1	Completing Preliminary Investigation Report Form
		.2	At headquarters
		.3	To supervisor
		.4	Recording injury to persons and damage to property

Training Procedure No. 18

TRAFFIC CONGESTION, HANDLING

INTRODUCTORY INFORMATION:

The motoring public expects to travel the trafficways with a minimum of interruption. Should an interruption occur it usually creates an irritated driver. The irritated driver can easily become an accident going somewhere to happen.

An officer handling traffic congestion can and must rapidly and effectively restore traffic to its normal flow. This is best accomplished by identifying the problem and correcting it. A system of distinct gestures and signals make drivers respond, thereby, providing for a minimum of interruption which the motoring public appreciates.

EQUIPMENT NEEDED:

Whistle, Traffic
*Baton, Traffic, Red
*Flashlight, Clear lens
Gloves, White or Yellow Cloth

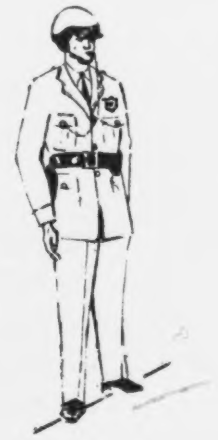
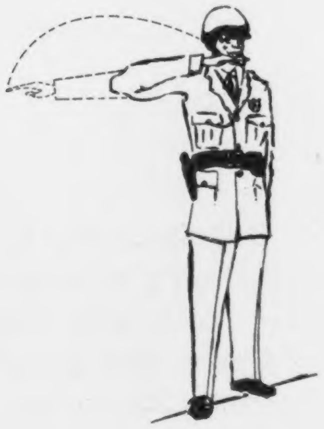
* To be used at night

GENERAL SAFETY PRACTICES:

Being constantly alert to moving traffic and pedestrians
Always selecting best position to see and to be seen
Using Traffic Baton at night or during adverse weather conditions

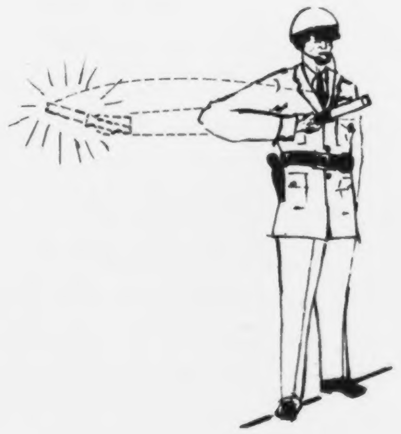
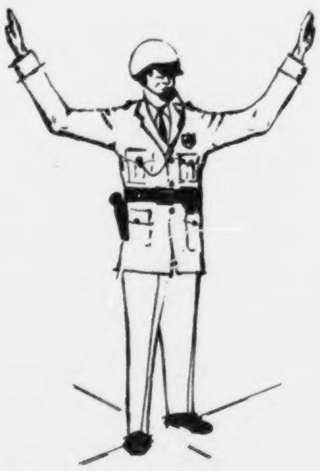
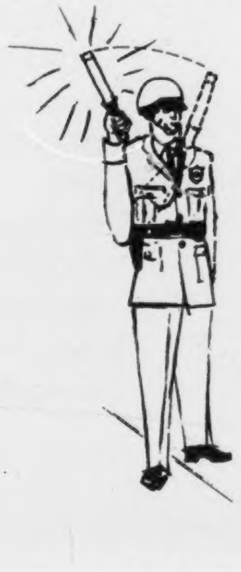
	STEPS		KEY POINTS
1.	Observe scene and situation	1.1	After parking properly
		.2	Selecting safe position while standing or walking
		.3	Quickly scanning area to determine:
		.1	Cause of congestion
		.2	Urgent matters requiring immediate action
		.3	Course of Action
2.	Relieve cause of congestion	2.1	Taking action to:
		.1	Remove obstruction
		.2	Effect temporary or permanent repairs
		.2	Route traffic around cause temporarily

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.3	Replace signal control with officer control
3.	Direct traffic	3.1	Before or after relieving cause
		.2	Selecting officer control point: (See Appendix 33)
		.1	Safest
		.2	Clearly seen
		.3	BEING CONSTANTLY ALERT TO MOVING VEHICLES AND PEDESTRIANS
a.	Assume ready position	a.1	Standing erect
		.2	Keeping feet 8" to 10" apart
		.3	Letting arms hang naturally
		.4	Balancing weight on both feet
		.5	Having traffic whistle ready
			
b.	Start traffic using hand gesture	b.1	Standing parallel or at slight angle to traffic
		.2	Attracting drivers attention by:
		.1	Pointing index finger at driver from shoulder height
		.2	Blowing two (2) short blasts of traffic whistle only if necessary
		.3	Turning wrist so palm is up after pointing
		.4	Using elbow as pivot point
		.5	Swinging forearm in an upward arc
		.6	Bringing hand to position in front of chin, palm down, forearm parallel to ground
		.7	Repeating if driver does not respond

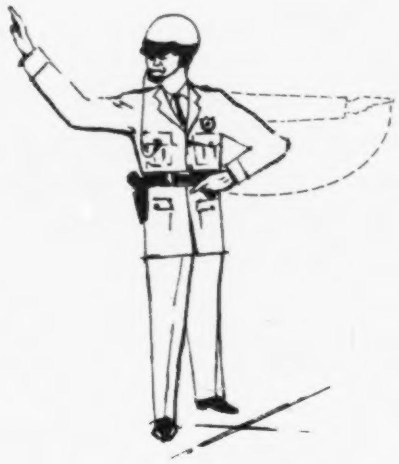
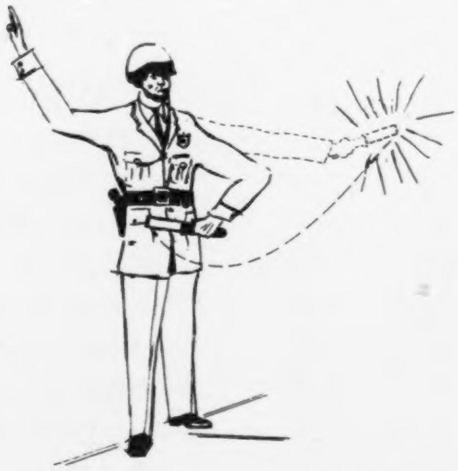
Training Procedure No. 18

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.8	Making movement of arm deliberate
c.	Start traffic using traffic baton	c.1	Positioning body at slight angle facing traffic
		.2	Pointing traffic baton at driver from shoulder height
		.3	Using elbow for pivot
		.4	Arcing traffic baton upward and across tc front of body
d.	Stop traffic using hand gesture	d.1	Standing parallel to moving traffic
		.2	Looking right and left carefully
		.3	Thrusting one arm or both upward so hands are slightly above head
		.4	Palm (s) facing approaching traffic fingers joined
		.5	Repeating for stopping traffic in all directions
e.	Stop traffic using Traffic Baton	e.1	Facing traffic to be stopped
		.2	Keeping firm grip on traffic baton with strong hand
		.3	Upper arm parallel to ground
		.4	Forearm vertical to ground
		.5	Arc baton across body, slightly above head, from shoulder to shoulder

Training Procedure No. 18

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
f. Turn traffic using hand gesture 	f.1 Stopping opposing traffic .2 Moving back towards stopped traffic .3 Allowing room in front of you for turn .4 Keeping arm and hand at stop gesture .5 Using free arm and hand to point at driver to make turn .6 Lower arm in arc across body .7 Pointing in direction of turn
g. Turn traffic using traffic baton 	g.1 Stop opposing traffic (see Step 3e.) .2 Reposition body at slight angle facing traffic to turn .3 Point traffic baton at driver from shoulder height .4 Use straight arm motion .5 Arc baton downward, about stomach height .6 Point to area driver will turn to

Training Procedure No. 19

PUBLIC INQUIRIES, HANDLING

INTRODUCTORY INFORMATION:

The uniform worn by law enforcement officers is distinctive. It is easily identified by the person seeking information and at almost any hour this person can find an officer. Most persons assume that there is little an officer does not know. They recognize the wide range and variety of tasks performed by an officer.

Each officer soon learns that inquiries will range from the ridiculous to the sublime, but one element is present in the majority of inquiries, that is, sincerity. An officer may not always have an answer but there must always be the earnest desire to assist in finding it for the inquiring person.

EQUIPMENT NEEDED:

City or county map
City Directory, County

GENERAL SAFETY PRACTICES:

Being constantly alert against personal attack
Avoid giving misinformation

	STEPS		KEY POINTS
1.	Meet Inquirer	1.1	Getting out of patrol car to converse and notifying dispatcher
		.2	Greeting courteously by time using "Sir or "Ma'am"
		.3	Standing at a safe distance
		.4	Keeping strong hand side away
		.5	Asking "May I help you?"
		.6	Using tone of voice indicating sincerity
2.	Listen	2.1	Paying close attention
		.2	Allowing inquirer to state question fully
		.3	Asking inquirer politely, to repeat parts not understood
3.	Answer	3.1	Using clear voice just loud enough to be heard

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	.2 Accurately after understanding question
	.3 Referring to proper authority or agency if answer is not known
	.4 Giving directions most easily understood
	.5 Saying "I don't know but will find out for you" or "help you to find the answer"
	.6 Following up answer by showing the way, according to departmental policy
	.7 Refraining from selling a person, place or thing

Training Procedure No. 20

MENTALLY ILL PERSONS AND ALCOHOLICS, HANDLING

INTRODUCTORY INFORMATION:

Mentally ill persons come to the attention of law enforcement officers usually because of their actions. Their behavior is unpredictable. The officer handling the situation acts accordingly but must resort to persuasion first. A technique to handle various behavioral patterns must be devised by the officer. This is not an easy task. Duty requires that the public be protected, at the same time the officer must safeguard his own life while also treating the mentally ill person as being sick. The technique which provides for the greatest margin of safety to all concerned, and assures the safe arrival of the mentally ill person at the designated facility, is the one officers must strive towards.

An officer can help himself in becoming better equipped to handle mentally ill persons by acquiring a knowledge of the various types of mental illness. Mental and physical action or reaction vary with type and person. A better understanding of mentally ill persons may provide the officer with the necessary forewarning to successfully accomplish handling the task.

EQUIPMENT NEEDED:

Restraint device (s) (commercial) (See Appendix 38)

GENERAL SAFETY PRACTICES:

Be constantly alert
Notify dispatcher and give exact location when leaving patrol car
Approach all persons and things with caution
Isolate person or re-position potential weapons
Be careful to use only necessary amount of force to bring person under control
Use appropriate restraint device for mentally ill

	STEPS		KEY POINTS
1.	Receive assignment and information	1.1	From dispatcher
		.2	From supervisor
		.3	From observation, notifying dispatcher or supervisor
		.4	Recording on patrol car desk pad:
		.1	Date and time received or observed
		.2	Location

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.3	Person to be contacted or complainant and address
		.5	Requesting repeat of information not understood
2.	Proceed to scene	2.1	Arranging for pick-up of restraint equipment
		.2	Driving safely
		.3	Avoiding use of red light and siren unless otherwise instructed
		.4	Planning personal operations from known information
3.	Arrive at scene	3.1	Selecting parking place
		.2	Parking properly
		.3	Giving dispatcher exact location
		.4	Signalling "out-of-service"
		.5	Recording time of arrival
		.6	Removing ignition key
		.7	Taking required equipment
		.8	Carrying restraint equipment in weak hand behind back
		.9	Entering all premises with caution
		.10	Approaching all persons and things with caution
4.	Observe scene and situation	4.1	From a selected safe location
		.2	Noting:
		.1	Actions of mentally ill person and others (See Appendix 59)
		.2	Potential weapons
		.3	Exits
		.4	Conversation (s)
		.3	Determining and calling for assistance, as required
		.4	Planning future action
		.5	Watching mentally ill person constantly

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.6	Taking immediate action to protect life or preserve the peace
5.	Gather information	5.1	To assist in planning approach
		.2	Watching mentally ill person constantly
		.3	Talking to:
		.1	Persons present
		.2	Relatives or friends having personal knowledge
		.3	Mentally ill person
		.4	Using gentle voice and calm approach
		.5	Avoiding controversy
		.6	Finding out who-what-when-where-how and why.
		.7	Determining, when possible if physical injury or illness is cause of mental illness
		.8	Requesting person (s) not involved to leave
		.9	Keeping strong hand side (weapon side) away from person being spoken to
		.10	Isolating mentally ill person from:
		.1	Potential weapons
		.2	Exits
		.3	Other persons, as appropriate
6.	Take into custody	6.1	Searching for weapons
		.2	Using gathered information to plan approach
		.3	Having assistance from female officer or trusted adult woman for females
		.4	Using restraining devices as needed
		.5	PERSUASION FIRST - FORCE LAST

Training Procedure No. 20

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
a. Persuasion	a.1 Approaching slowly, cautiously and calmly .2 Taking position out of arm and leg reach .3 Using gentle voice .4 Watching constantly .5 Avoiding sudden movements .6 Assuring person you will help .7 Answering questions honestly .8 Ignoring insults, profanity, or actions, that will not do bodily harm .9 Refraining from use of words such as, hospital, crazy, nuts, looney, etc. .10 Requesting that he or she accompany you .11 Showing kindness and understanding .12 Keeping restraining device out of sight
b. Force	b.1 Using ONLY that amount necessary to bring person under control .2 Maneuvering person into best position to apply physical restraint .3 Using take down hold (see Appendices 34, 35, 36, 37) .4 Securing with restraining device (see Appendix 38) .5 Handcuffing as a last resort or until able to get appropriate restraint device .6 Using blankets, sheets, rugs, stretchers to hold violent persons .7 Indicating type of physical action used and reason on appropriate report form

Training Procedure No. 20

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
7.	Remove mentally ill person from scene	7.1	After searching for weapons
		.2	Transporting to appropriate facility or authority
		.3	Placing person in safest location in vehicle:
		.1	Front seat when alone
		.2	Rear seat if safety screen provided
		.3	Right rear seat next to brother officer if accompanied
		.4	Requesting relative or friend who is trusted by mentally ill person to accompany you if alone
		.5	Removing purse and spike heeled shoes from females
		.6	Having sedative administered by doctor when person is violent and great distance to be traveled
		.7	Keeping constantly alert against personal attack
8.	Process person	8.1	Watching person constantly
		.2	Being careful when alighting from patrol car
		.3	Holding or watching, as appropriate, person after removal from patrol car
		.4	Escorting to proper authority:
		.1	Committing magistrate
		.2	Admitting office of appropriate facility
		.5	Detaining at jail facility only as last resort or according to departmental procedure
		.6	Transporting to facility designated by magistrate
		.7	Following procedures of facility
		.8	Having necessary commitment or admission papers, as required
		.9	Providing information and signing forms as appropriate

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.10	Acquiring necessary forms for return to department or committing magistrate
		.11	Accompanying attendant to assist, as needed
		.12	Recording all personal property removed
		.13	Having person removing property, sign list
9.	Submit reports	9.1	To supervisor as required
		.2	Before going off duty
		.3	Including all required documents and information

Training Procedure No. 21

THE SERVICE AND RETURN OF COURT DOCUMENTS, HANDLING

INTRODUCTORY INFORMATION:

The courts in order to function in accordance with our system of jurisprudence use various documents. These documents either notify or have brought before the court persons or things for the purpose of administering justice.

Court documents issued for service are either criminal or civil in context. The documents are varied and the handling procedure is based on the type of document. Once the document is drawn by the court it then, usually, is an assignment for an officer to "serve and return" it. State statute governs the document from its inception. It also fixes responsibility and provides the penalty for improper service.

Special knowledge and certain skills are required to properly handle this assignment. When this knowledge and these skills are acquired, the officer is then better prepared to handle the assignment. Proper service reflects the efficiency of the officer and aids in the smooth functioning of the court in its administration of justice.

EQUIPMENT NEEDED:

Directory, City and/or County
Handcuffs
Map, City and/or County
Notebook, Pocket
Pen
Pencil
Uniform of the day

GENERAL SAFETY PRACTICES:

Being certain all documents are executed in accordance with the law and departmental procedure.
Be constantly alert for potential personal hazards
Approach all persons and things with caution
Notifying dispatcher before leaving patrol car
Keeping arrestee under control and in view at all times
Constantly watching person being served document
Park properly

Training Procedure No. 21

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Receive assignment and information	1.1	From supervisor or person in charge of document service
		.2	Asking if there are any special instructions
		.3	Recording date and time assignment received
2.	Identify document (s) and type of service	2.1	Criminal or civil (See App.39)
		.2	Personal or residential service (See App. 40)
		.3	Check for:
		.1	Name of person to serve and return
		.2	Proper signature
		.3	Proper seal of court
		.4	All blanks are properly filled in
3.	Plan service	3.1	Using county or city directory, phone book and Post Office as sources for checking addresses
3.a	criminal	a.1	Gathering necessary information about person named in warrant, such as:
.1	warrant to arrest	.1.1	Name and alias if used
		.1.2	Physical description from head to toe
		.1.3	Location of arrestee:
		.1.3.1	Residence
		.1.3.2	Place of employment
		.1.3.3	Places often frequented
		.1.3.4	Relatives or friends homes
		a.2	Background information
		.2.1	Past record and arrests
		.2.2	Behaviorial pattern
		a.3	Requesting assistance as needed
		a.4	Consulting with proper authority when in doubt

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
.b	civil	b.1	Selecting and arranging documents to save miles and time on the basis of:
		.1.1	Priority
		.1.2	Location to be served
		.2	Arranging for necessary assistance
4.	Execute service	4.1	After checking validity of document
		.2	According to document being served
		.3	Greeting recipient courteously
		.4	Being constantly alert to personal attack
		.5	Answering questions politely and referring to proper authority when answers not known
		.6	Using persuasion first to obtain compliance with court document, force only as last resort
		.7	Handcuffing as appropriate
.a	Personal	4.a.1	Establishing identity of recipient
		.a.2	Following instructions according to type of document, EXAMPLES:
		.a.2.1	Reading injunction clauses
		.a.2.2	Padlocking establishment
		.a.2.3	Attaching property
		.a.2.4	Collecting monies
		.a.3	Handing document to person named therein
		.a.4	Recording:
		.a.4.1	Time - E.S.T. - D.S.T. or other
		.a.4.2	Date
		.a.4.3	Place if different than address listed
		.a.5	Selecting safe place to stand
		.a.6	Avoiding legal advice

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
.b	Residential	4.b.1	Establishing if person named actually resides at the address listed on document, by:
		.b.1.1	Checking with neighbors
		.b.1.2	Checking with person answering door
		.b.2	Recording data according to State Statute and departmental procedure
5.	Record and return data	5.1	According to State Statute and departmental procedure
		.2	Including:
		.1	Date served
		.2	Time served
		.3	Address (if different)
		.4	Mileage
		.5	Service by whom
		.3	Returning all information and records to appropriate person
		.4	Including information useful to department

Training Procedure No. 22

CRIME PREVENTION PROCEDURES, HANDLING

INTRODUCTORY INFORMATION:

A fundamental objective of every police agency is that of crime prevention. The procedures developed, adopted, and implemented to attain this objective helps to partially contain the crime problem facing our nation. Crime has shown an insidiously steady increase down through the years. Combating it is a tremendous task requiring the efforts and resources of all persons. However, the law enforcement officer is directly charged with this task. Subsequently, the aid of persons and things, enlisted by the officer, will contribute substantially to making his task a little easier. Education of the public in safeguarding each other and their property by reporting any incident which may be criminal will contribute most to this combat. Therefore, it can be readily noted that each officer must strive to convince the public, that law enforcement is concerned with their welfare and property. Furthermore, that through cooperation, life, liberty, and the pursuit of happiness will have more meaning. The criminal element of our society will soon realize that total war has been declared, when crime prevention procedures are employed by the public as advocated by law enforcement.

EQUIPMENT NEEDED:

Brochures, pamphlets, etc., crime prevention techniques (see App. 41)
Card, Business (officers)
Log, Field Notebook
Report, Security Survey
Report, Unoccupied Home

GENERAL SAFETY PRACTICES:

Be certain that information is offered only to reputable persons

Making certain any quotes of the law are correct and clearly understood

Training Procedure No. 22

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Learn techniques (See App.42)	1.1	Studying specific crime and literature concerning it
		.2	Devising ways and means of preventing or deterring the criminal act
		.3	Referring to the law to substantiate technique for prevention
		.4	Utilizing all available resources for already prepared materials (See App. 41)
		.5	Committing technique to memory or recording step-by-step procedure
		.6	Discussing with brother officer (s)
2.	Approach person (s)	2.1	Greeting courteously
		.2	Speaking confidently
		.3	Explaining "why" you're there
		.4	Offering to meet with them another time if too busy
		.5	Determining their interest by questioning
		.6	Allowing person to offer their views
3.	Advocate technique	3.1	According to departmental procedure
		.2	After obtaining necessary clearance from supervisor
		.3	Offering ONLY to reputable persons
		.4	Motivating person to want to participate
		.5	Including detailed discussion so that it is clearly understood

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.6	Including any civil or physical dangers involved.
		.7	Learning necessary printed information, material, etc.
		.8	Recording name, address, telephone number, of person, date contacted and technique advised.
		.9	Using appropriate departmental forms.
4.	Follow-up	4.1	Returning periodically to person advised.
		.2	Advising of any new ideas or changes in technique.
		.3	Checking on any items that may need replacement.

Training Procedure No. 23

SUSPICIOUS PERSONS, HANDLING

INTRODUCTORY INFORMATION:

Prevention of crime is one of the primary responsibilities facing a law enforcement officer. Ideally, the lack of crime on the beat is the goal towards which the officer strives. One of the yardsticks of measuring an officer's ability in patrolling is the incidence of crime on his beat.

A method of suppressing crime on the beat is to handle suspicious persons. Many times the so called "routine stop" will deter the commission of a criminal act. However, it must be remembered that the individual enjoys the freedom of coming and going as he chooses. The determination of whether the individual is suspicious or not is critical. It must be based on sound procedure from the standpoints of legality and personal safety. "Probable cause" is a prime factor.

EQUIPMENT NEEDED:

Flashlight
Notebook, Field
Pen, Ballpoint
Pencil, Mechanical
Report, Persons (See App. 43)

GENERAL SAFETY PRACTICES:

Assume defensive stance while talking
Keep alert to movements of person
Keep hands free
Watch for associates

Training Procedure No. 23

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Approach person	1.1	As soon as possible
		.2	Unfastening holster flap or strap
		.3	Scanning area
		.4	Selecting spot for interview
		.5	Moving in from rear and/or side
		.6	Constantly watching for movements
		.7	Using peripheral vision to detect approach of associate
		.8	Using available cover to protect back or side
		.9	Watching for objects person may discard
		.10	Noting:
		.1	Dress, for identification
		.2	Physical and mental condition
		.3	Personal physical characteristics
2.	Stop person	2.1	Addressing courteously as "Sir" or "Ma'am"
		.2	Stating "I would like to talk to you"
		.3	Using only enough voice volume to be heard
		.4	Standing to the right of and slightly sideways
		.5	Keeping out of arms or legs reach
		.6	Assuming defensive stance
		.7	Isolating person by moving to doorway, around corner, etc.
		.8	Identifying self by rank, name, and department
		.9	Explaining "I would like you to identify yourself"
		.1	Requesting person verbally give name, address, also to spell name
		.2	Asking for identification documents
		.3	Noting any discrepancies from verbal to document
		.10	Keeping constantly alert to personal attack
		.11	Noting any unusual appearance or action

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.12	Having person assume spread-eagle position against vertical surface if dangerous or known felon
3.	Question person	3.1	Politely
		.2	Determining:
		.1	Why person is in area
		.2	Method of travel: walking, riding
		.3	How long in area
		.4	Coming from where and going where
		.5	Employed by whom and where
		.3	Maintaining defensive stance
		.4	Keeping hands free
		.5	Obtaining character check from dispatcher, as appropriate at the time
4.	Record information	4.1	After or during interview, as appropriate
		.2	Being certain all information on Persons Report is obtained
		.3	Using form contained in field notebook when necessary
		.4	Location of interview including date, time, day of week
		.5	Using notebook log if satisfied person is law abiding
5.	Submit report (s)	5.1	To supervisor
		.2	Using supplemental report for further explanation
		.3	Being certain reports are detailed and correct

Training Procedure No. 24

DEAD ON ARRIVAL, HANDLING

INTRODUCTORY INFORMATION:

Death reported to a law enforcement agency must be investigated. The handling of a death by an officer is a task that leaves no margin for error. There are facts and determinations to be made that will present a serious challenge to the officer's ability to reconstruct what happened. The officer shall investigate by patient inquiry, observation and examination. Facts surrounding any death must be ascertained and oftentimes further corroborated by the coroner and/or a pathologist before it is listed in one of the following categories of death: natural causes, accidental, suicide or homicide.

EQUIPMENT NEEDED:

Bags, Evidence
Camera
Clipboard
Compass
Containers
Crayon, Marking (yellow lumber)
Flashlight
Handcuffs
Knife, pocket
Notebook (with forms)
Paper, graph
Pen, Ballpoint
Pencil, Mechanical
Ruler
Tape 100' - Metal Reinforced cloth
Tape 10' - White Surface Spring steel tape

GENERAL SAFETY PRACTICES:

Be calm
Be constantly alert for personal hazards
Keep dispatcher properly informed
Be sure that you understand and are understood

	STEPS			KEY POINTS
1.	Receive assignment and information	:	1.1	From dispatcher
		:	.2	Acknowledging call immediately
		:	.3	Identifying unit and give location
		:	.4	From citizen, notifying dispatcher
		:	.5	Stopping patrol car before writing
		:	.6	Recording on patrol car desk pad:
		:	.1	Time call received
		:	.2	Location of scene
		:	.3	Person to be contacted and/or complainant and address
		:	.7	Requesting additional information

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		.8	Repeating location of scene for verification by dispatcher
		.9	Acknowledge receipt of transmission
2.	Proceed to scene	2.1	Immediately
		.2	Driving safely
		.3	Using most expeditious route
		.4	Using beacon light and siren as instructed
		.5	Planning personal operations based on known information
		.6	Watching for persons or vehicle fleeing scene
3.	Arrive at scene	3.1	Park properly
		.2	Identifying cars parked near the scene-record license number (s)
		.3	Giving dispatcher exact location
		.4	Signaling dispatcher "Out of Service"
		.5	Recording time of arrival
		.6	Removing ignition key from patrol car
		.7	Taking required equipment
		.8	Unfastening holster flap
		.9	Alighting from patrol car with caution
		.10	Locking patrol car, as appropriate
		.11	Approaching and entering scene with caution
		.12	Being alert to personal safety hazards
		.13	Requesting everyone to remain at scene
		.14	Identifying self if in plain clothes
		.15	Determining if medical help has been summoned

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
4.	Observe scene and situation	4.1	Appearing and keeping calm
		.2	Noting:
		.1	Unusual conditions or activities in area
		.2	Physical and mental condition of persons present
		.3	Weapons in the area
		.4	Being alert to conversations
		.5	Determining course of action
5.	Take action	5.1	Determining if victim is apparently dead:
		.1	Feeling for pulse or heart beat
		.2	Observe for breathing
		.3	Looking for obvious apparent cause of death
		.2	Remembering to preserve the scene
		.3	Summoning Coroner:
		.1	By notifying Dispatcher
		.1	By radio
		.2	By public service
		.3	Selecting person to call dispatcher
		.4	Standing by till coroner arrives, if death appears natural
		.5	Arresting perpetrator if on scene and evidence warrants
		.6	Continuing action if death appears unnatural continue action by: (See Appendix 47)
		.1	Photographing scene
		.2	Sketching scene
		.3	Collecting and preserving evidence
		.4	Interviewing persons at scene
		.5	Requesting bystanders to leave
		.6	Recording data about witnesses
		.7	Requesting witnesses to write account of incident

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
6.	Follow-up	6.1	Completing unfinished details
		6.1.1	Being certain next of kin has been notified
		.2	Locating and arresting perpetrator after warrant issued
		.3	Gathering additional facts
		.4	Leads furnished or discovered
		.5	Recording exact cause learned from coroner or pathologist, as appropriate
7.	Submit reports	7.1	According to departmental procedure
		.2	To supervisor
		.3	Including all pertinent information
		.4	Using Report of Death form (See App. 45)
		.5	Editing and reviewing before submitting

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

EMERGENCY CARE - FIRST AID

INTRODUCTORY INFORMATION:

A law enforcement officer administers emergency care usually because he is the first person of authority to arrive at the scene. The officer should be able to give proper care until such time as professional medical help is acquired.

Emergency care procedures require special skills, techniques and knowledge. When these are learned and practiced the officer in certain instances may be able to restore breathing or heart beat, check the loss of blood and prevent shock. The saving of a human life by an officer administering proper care will win the admiration of all concerned.

EQUIPMENT NEEDED:

Blankets
First aid kit
Tourniquets
Compresses
Airways (infant and adult)

GENERAL SAFETY PRACTICES:

Keep calm
Be alert for potential personal hazards.

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

CONTROL OF BLEEDING

STEPS	KEY POINTS
1. Examine injured person	1.1 Look for obvious bleeding
	.2 Check for blood stains on clothing
2. Identify type of bleeding	2. Each type of bleeding has symptoms which identify the type
a. Arterial	2.a.1 Blood spurting
	a.2 Bright red in color
b. Venous	b.1 Blood flows steadily from wound
	b.2 Dark red in color
c. Capillary	c.1 Blood oozes from wound
3. Stop Bleeding a. Arterial digital pressure	3.a.1 Select pressure point between heart and wound
	a.2 Exert pressure with fingers or on one of the following pressure points as appropriate to location of bleeding:
	3.a.2.1 Temporal
	2.2 Facial
	2.3 Carotid
	.4 Subclavian
	.5 Axillary
	.6 Brachial
	.7 Brachial at bend of elbow
	.8 Radial and ulnar
	.9 Femoral - groin (heel of hand)
	.10 Femoral - thigh
	.11 Popliteal - back of knee

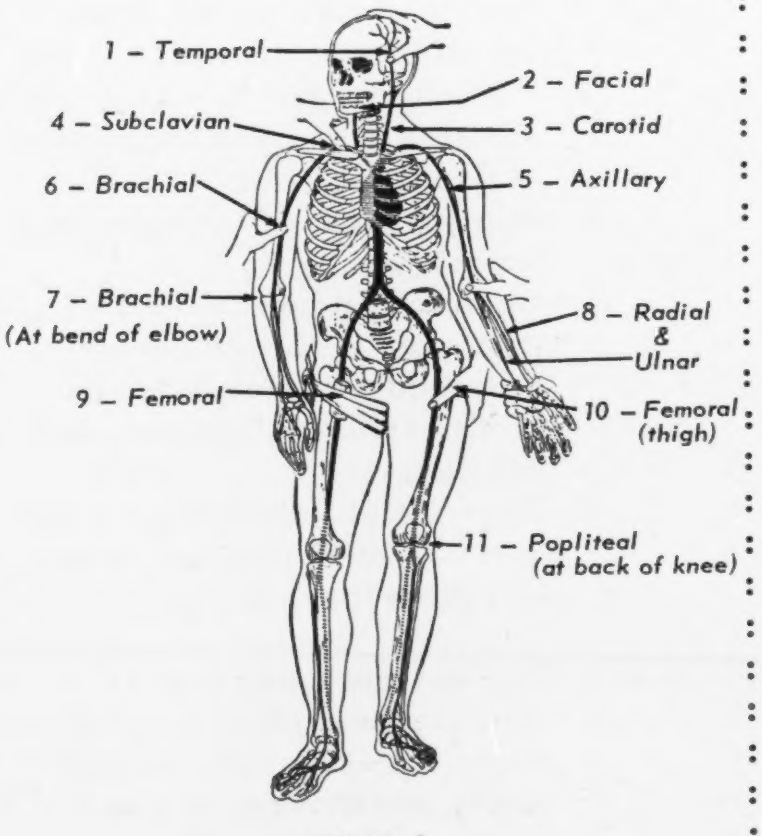

1 – Temporal
2 – Facial
4 – Subclavian
3 – Carotid
6 – Brachial
5 – Axillary
7 – Brachial (At bend of elbow)
8 – Radial & Ulnar
9 – Femoral
10 – Femoral (thigh)
11 – Popliteal (at back of knee)

FIGURE 1
Course of Arteries; Pressure Points

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

CONTROL OF BLEEDING

	STEPS		KEY POINTS
3.b	Direct arterial compress pressure	3.b.1	Use sterile compress if available
		.2	Use clean folded cloth if compress is not available
		.3	Place directly over wound
		.4	Apply pressure with hand or tie compress over wound
		.5	Exceptions -- not over fractures, eyes, nose or mouth
3.c	Apply tourniquet (only as last resort)	3.c	Any of the following:
		c.1	Neckties
		c.2	Belts
		.3	Handkerchiefs
		.4	Towels
		.5	Suspenders
		.6	Rubber tubing
		.7	Commercial
		.8	Other
		3.c.2	Encircle arm or leg with tourniquet at pressure point
		.3	Place hard pad or object of suitable size over the artery at pressure point
		.4	Apply pressure by tightening tourniquet
		.5	Once tourniquet is applied and tightened it should not be loosened or removed until victim is under proper medical care
		.6	Tag victim indicating a tourquit has been applied, time and place of tourniquet
4.	Venous Bleeding a. Direct pressure	4.a.1	Use sterile compress if
		.2	Use cleanest cloth available
		.3	Place directly over wound
		.4	Apply pressure with hand or tie knot directly over wound

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

CONTROL OF BLEEDING

STEPS	KEY POINTS
b. Elevation	4.b.1 Elevate injured portion of body by placing rolled blanket or any article at hand under head, arm or leg depending on location of injury
c. Cold applications	4.c.1 Apply to body in region of injury .2 Not into the wound .3a Use ice bag if available .b Cold pack - commercial item, comes in plastic bag that when squeezed causes chemicals to mix and bag becomes cold .c Cloth soaked in cold water .d Any cold object - metal, etc., wrapped in cloth

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

PHYSICAL SHOCK

	STEPS		KEY POINTS
1.	Look for symptoms of shock	1.1	Face pale, with anxious or dull expression
		.2	Eyelids droop if open; eyes are dull and pupils dilated
		.3	Patient may be partly or totally unconscious
		.4	Skin is cold and covered with clammy sweat, particularly hands and forehead
		.5	Patient feels cold and may have a chill; temperature subnormal
		.6	Pulse is weak and rapid
		.7	Breathing is shallow and may be irregular
		.8	Patient is stupid and takes little interest in things about him
		.9	If internal bleeding is present, patient will be restless; if conscious, he complains of clouded vision, dizziness and thirst
		.10	He may answer questions slowly or apparently fail to understand
		.11	Nausea and vomiting often occur
2.	Treat usual form of shock	2.1	Position victim:
		.1.1	Place victim in a comfortable position
		.2	Lying down if possible
		.3	Head level with rest of body
		.4	Elevate feet of victim
		.5	Remove all foreign bodies from the victim's mouth, false teeth, gum, etc.
		.6	Loosen tight clothing from neck, chest and waist

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

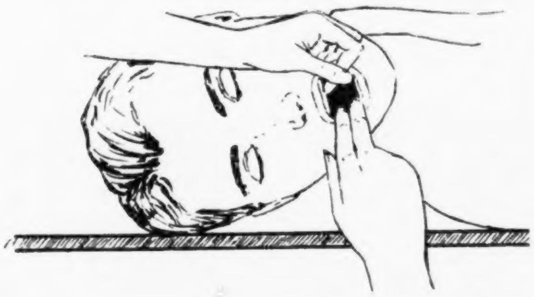
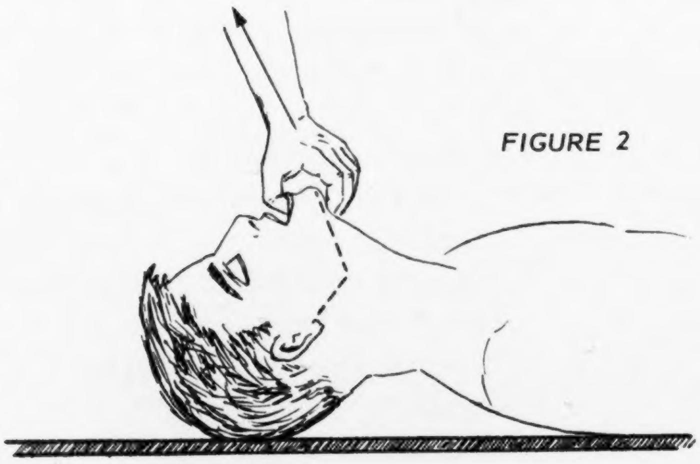
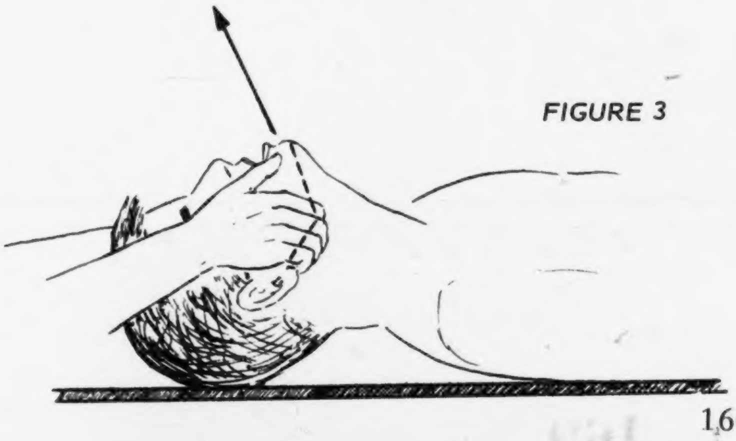
PHYSICAL SHOCK

STEPS	KEY POINTS
	2.2 Conserve body heat: .1 Cover victim with blanket or other material, placing blanket under victim as well as over him
	2.3.1 Use stimulants: .1 Aromatic spirits of ammonia .2 Coffee or tea if possible and victim is conscious .3 Oxygen if available
2.a Skull fracture or hemorrhage	2.a.1 Note bleeding or swelling of: .1 Nose .2 Ears .3 Mouth .4 Eyes .5 Other part of head 2. Elevate head above level of feet 3. Apply cold compress to swelling or internal bleeding
.b Sunstroke or heat prostration	2.b.1 Examine victim by: .1 Observing to see if face is flushed .2 Feel forehead for abnormal temperature .2 Place in shade or cooler location .3 Apply cold application to body

Training Procedure No. 25

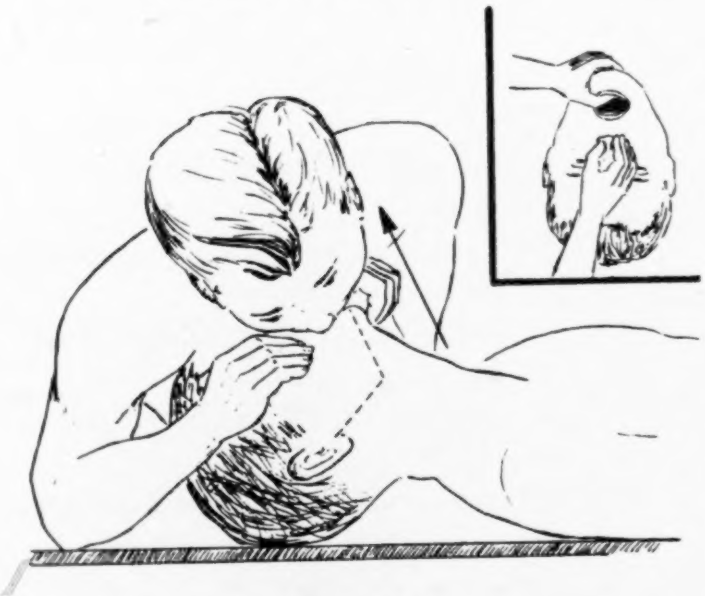
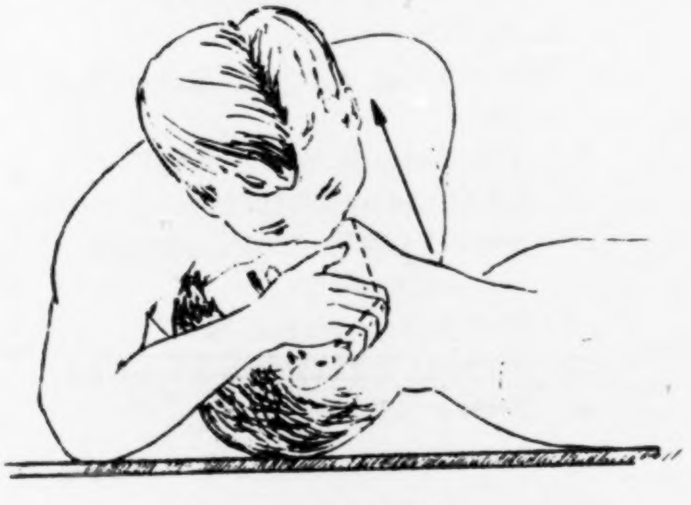
LAW ENFORCEMENT OFFICER TRAINING

MOUTH TO MOUTH RESUSCITATION

STEPS		KEY POINTS
1. Check Breathing	1.1	Victim unconscious and not breathing
	.2	Victim gasping for breath
	.3	Choking and blocked air passage
2. Position victim	2.1	Move victim cautiously
	2.1.1	Place on back if possible,
	1.2	Turn face up
3. Clean victim's throat	3.1	Turn head to side
	.2	Insert finger(s) in mouth
 FIGURE 1	.3	Scoop matter out (see figure 1)
	.4	Grasp hard object with fingers to remove
4. Open air passage (preferred method)	4.1	Place head in sniffing position, as far back as possible so the neck is extended
	.2	Hold lower jaw up
 FIGURE 2	.3	Insert thumb between the victim's teeth and grasp the lower jaw at the midline (see figure 2)
	.4	Lift lower jaw forcefully upward so that the lower teeth are higher than upper teeth
	.5	Hold the jaw in this position as long as victim is unconscious
5. Open air passage (alternate method)	5.1	Place head in sniffing position as far back as possible so the neck is extended
 FIGURE 3	.2	With both hands grasp the angles of the lower jaw just beneath the ear lobes (see figure 3)
	.3	Lift lower jaw forcefully upward so the lower teeth are higher than the upper teeth

LAW ENFORCEMENT OFFICER TRAINING

MOUTH TO MOUTH RESUSCITATION

STEPS	KEY POINTS
	5.4 If the lips are shut, push the lower lip down gently with the thumbs, but never drop the chin
	.5 Hold the jaw in this position as long as victim is unconscious
6. Administer mouth to mouth breathing (preferred method)	6.1 Make certain the passageway is open
	.2 Squeeze nostrils shut
	.2.1 Use thumb and index finger of free hand (see figure 4)
	.3 Take a deep breath
	.4 Place your mouth over victim's mouth
 FIGURE 4	.5 Exhale your air into victim's mouth
	.6 Watch victim's chest to make certain it rises
	.6.1 Stop forcing air into victim's mouth when chest rises
	.6.2 Quickly remove your mouth and let victim exhale
	.7 Repeat inflations 15 to 20 times per minute
7. Administer mouth to mouth breathing (Method for infants)	7.1 Make certain air passageway is open
	.2 Place your mouth over victim's nose and mouth (see figure 5)
	.3 Take a shallow breath
 FIGURE 5	.4 Gently exhale air into victim's mouth
	.4.1 Be careful not to force air too hard
	.5 Repeat inflations 15 to 20 times per minute

LAW ENFORCEMENT OFFICER TRAINING

MOUTH TO MOUTH RESUSCITATION

STEPS : **KEY POINTS**

7.a Insert Breathing Tube

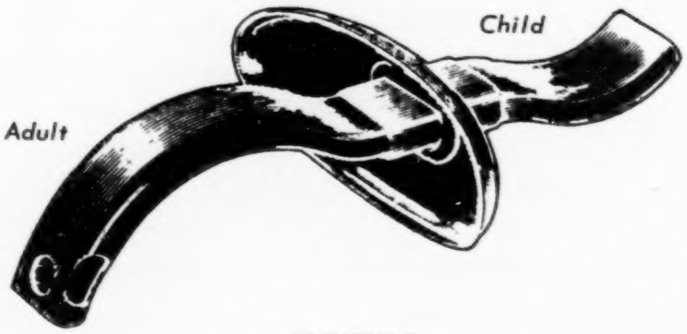


FIGURE 6

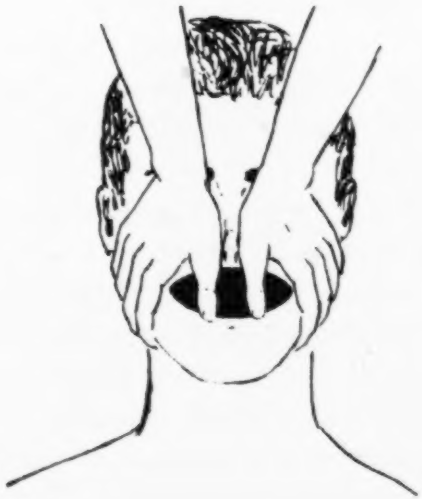


FIGURE 7

7.a.1 Infant, child or adult as appropriate (see figure 6)
- .2 Take position behind the victim's head
- .3 Tilt head back (sniffing position)
- .4 Open victim's mouth
- .5 Check mouth for any obstructions and clear
- .6 Pull tongue to lower lip with thumb and index finger and hold while inserting breathing tube
- .7 Insert breathing tube with contour following roof of mouth
  - .7.1 Adult victim, long end of breathing tube
  - .2 Infant or child, short end of breathing tube
  - .3 Flange resting on victim's lips
- .8 Press victim's nostrils (see figure 7) together with large part of thumbs
- .9 Seal victim's mouth by pressing down on flange of breathing tube with fingers or thumbs

7.b Administer mouth to tube breathing

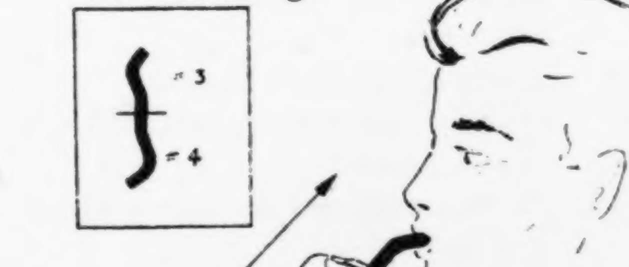


FIGURE 8

7.b.1 Take deep breath
- .2 Place your mouth over breathing tube
- .3 Blow your air into breathing tube
  - .1 Forcefully for adults
  - .2 Gently for children
  - .3 Small puffs from cheeks for infants
  - .4 watch for chest rise
  - .5 Repeat inflations 15 to 20 times per minute

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

EMERGENCY CARE OF THE LARYNGECTOMY VICTIM

The victim who has had his larynx (voice box, also "Adam's Apple") removed requires special emergency care. In Ohio alone there are 2000 people who have undergone laryngectomy. These are people who because of some disease, accident, or other medical condition, have had surgery performed on their voice box with the end result of its being partially or totally removed.

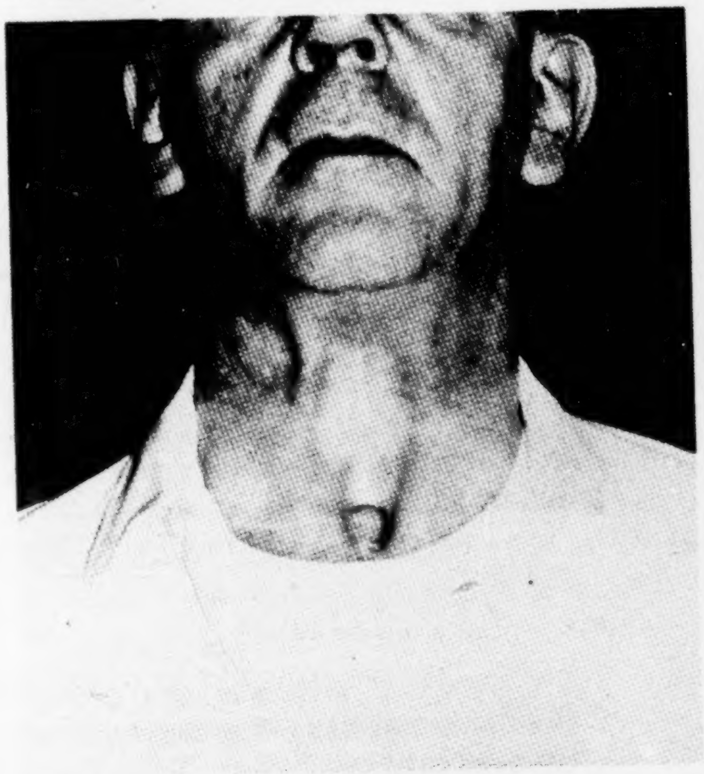
From the time of surgery, these people will never again breathe through their mouths. At the time of the removal of the "Adam's Apple", an opening is made at the lower part of the neck, just above the breast bone. Is is through this opening that the "laryngect" must breath for the remainder of his life. They are commonly referred to as "the neck breathers".

As shown in Figure 1, a patient's neck is exposed and the "stoma" (permanent opening in the neck to the windpipe) is visible.

If his shirt were closed, or he had on a T-shirt or a shirt and tie, the stoma would not be easily seen.

Women with stomas wear high necklaces. These partially cover the opening and unless closely investigated, it might be overlooked.

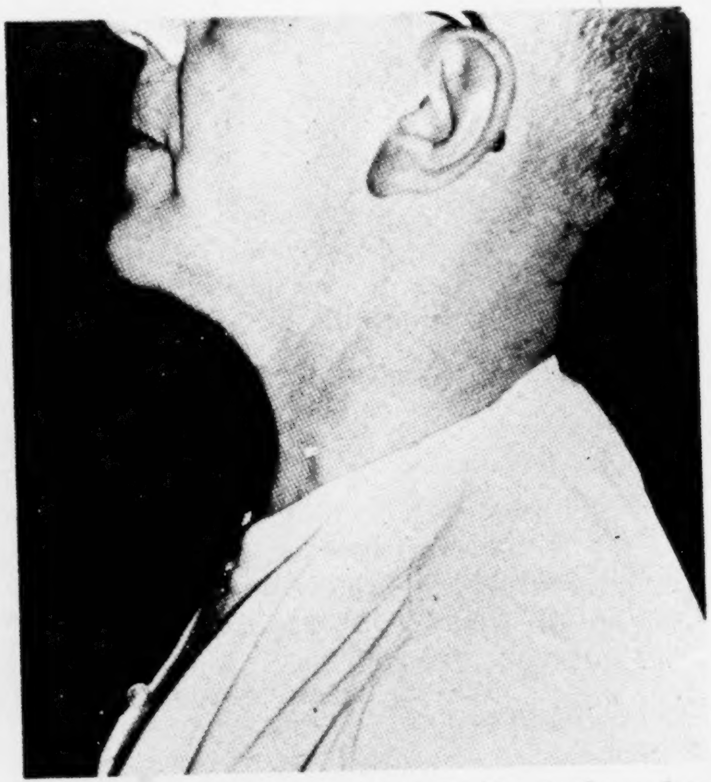
A side view of this man (Figure 2) shows that he does not have an "Adam's Apple". This is one good way to tell a "neck breather". You could obstruct this man's mouth and nose for hours and it would not disturb him, as he does not breathe through them.



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 1

After laryngectomy, man receives air into his lungs through neck opening (stoma).



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 2

The absence of an "Adam's Apple" indicates that this man may be a neck breather.

EMERGENCY CARE OF THE LARYNGECTOMY VICTIM

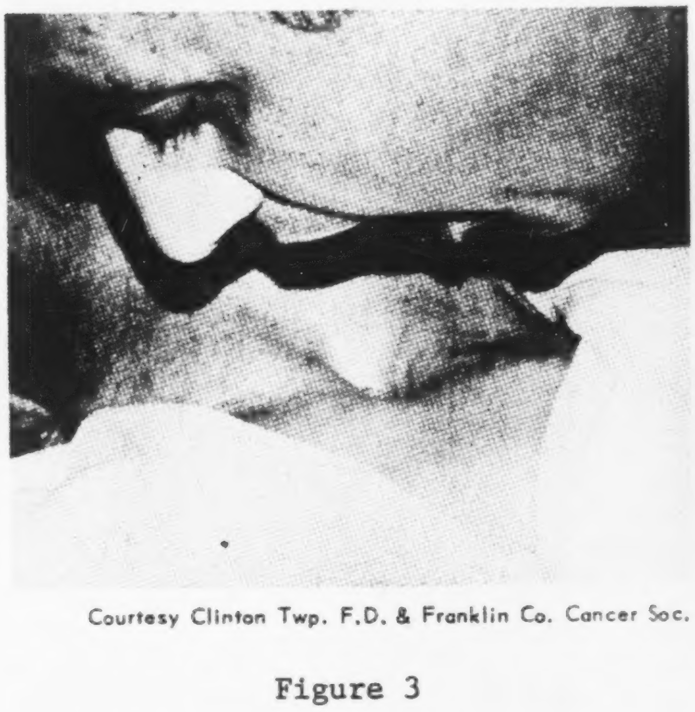
RESUSCITATING THE VICTIM

If this type of victim should stop breathing, the squadman would use the manual or mechanical artifical respiration that is used routinely, but it must be applied over the stoma.

As shown in Figure 3, the squadman must give mouth-to-stoma resuscitation with the victim on his back and the chin up out of the way of the stoma. Placing his mouth over the stoma, he would give mouth-to-stoma resuscitation following the procedure he has learned for the mouth-to-mouth method.

There is no problem of air going into the stomach because the squadman breathes directly into the windpipe. The tongue cannot obstruct the air flow, as the stoma is below it.

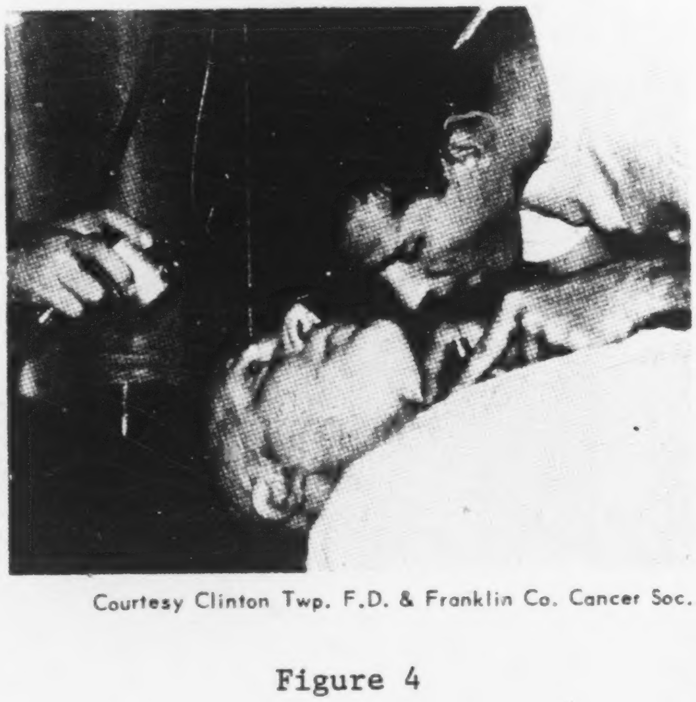
If the mechanical resuscitator is readily available, the use of the BABY mask over the stoma followed by mouth-to-mask resuscitation will aerate the victim adequately. The squadman in Figure 4 is carrying out this procedure until the resuscitator can be readied.



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 3

Mouth-to-stoma resuscitation is given.



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 4

A baby-size mask must be used over the neck opening for mechanical resuscitation.

If the mask will not fit airtight, a moistened towel can be placed around the mask to seal off any openings. All face pieces of your resuscitation equipment should be inflated at all times.

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

EMERGENCY CARE OF THE LARYNGECTOMY VICTIM

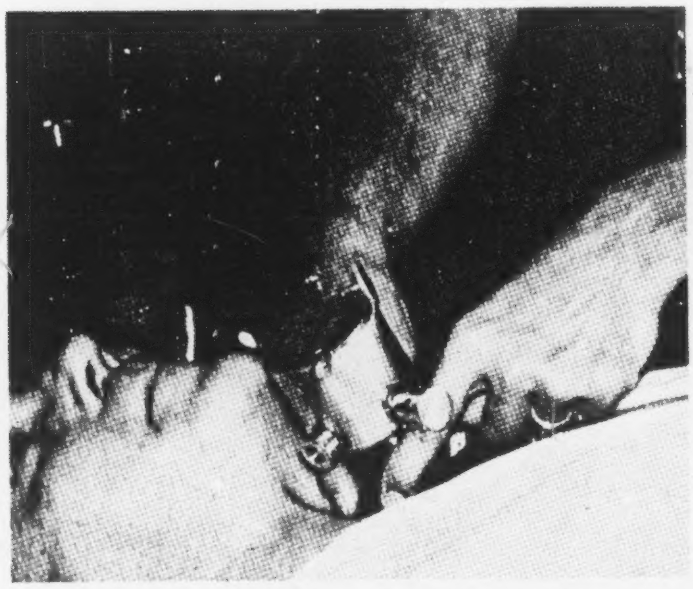
When the resuscitator is put into service, it should be held over the stoma as it is over the face, with the index fingers and thumbs. A folded blanket can be used under the shoulder blades. The blanket or other material helps to keep the windpipe straight and the head back.

Elevation of the chin by use of the blanket under the shoulder blades will also make the procedure easier. The squadman in Figure 5 has the victim positioned correctly and is holding the mask properly.

This type of victim is much easier to aspirate (suction) than the average resuscitation victim. If the resuscitator gives the blockage signal, mucus will be the usual cause.

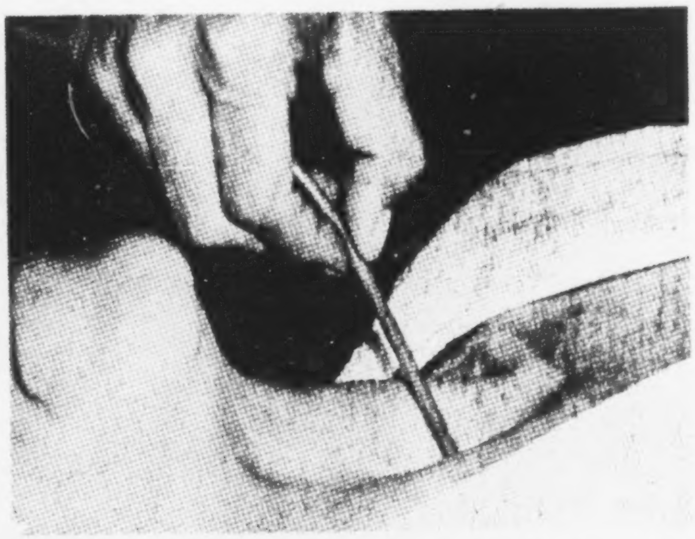
The squadman must be sure to rotate the catheter as he suctions. The squadman in Figure 6 is doing so by rotating the aspirator tube between his thumb and index finger. The catheter should be pinched off as it is inserted into the stoma preventing damage of it.

There are clubs throughout the nation called the "Lost Cord Clubs". These clubs are sponsored by the American Cancer Society. They are very interested in each squadman being keenly aware of their problem. When patients are released from the hospital with stomas, they are told to make themselves known to their local squad.



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 5
The resuscitator breathes for the patient.



Courtesy Clinton Twp. F.D. & Franklin Co. Cancer Soc.

Figure 6
An aspirator tube, inserted through the stoma, will remove mucus.

Training Procedure No. 25

EMERGENCY CARE OF THE LARYNGECTOMY VICTIM

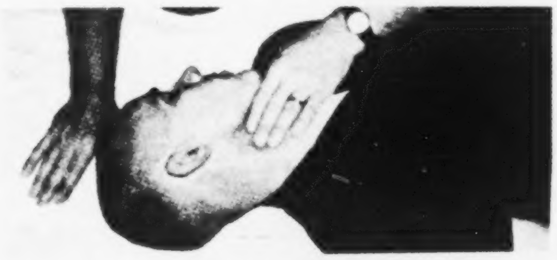
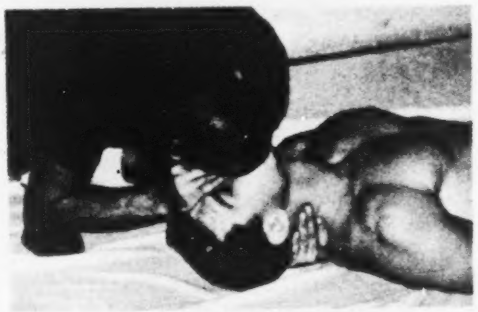
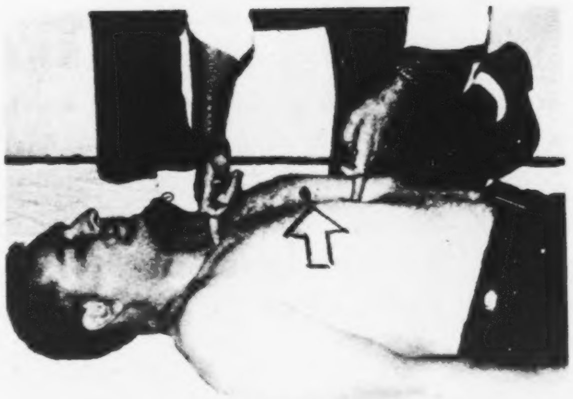
When a laryngectomy victim is released from the hospital, he may be cured and live a normal life. The victim who posed for these pictures has had a stoma for many years.

There is always the additional problem of visitors to your area who might be "neck breathers". The theme for the squadmen is becoming "CHECK THE NECK FOR THE LARYNGECT".

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

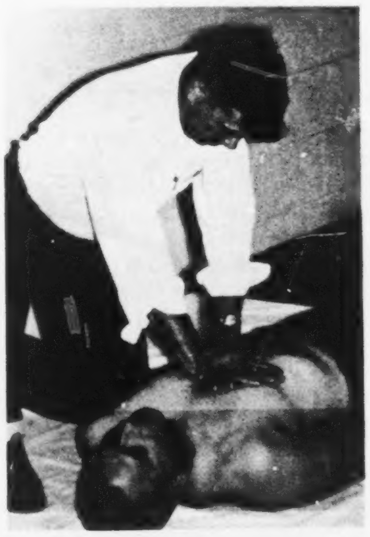
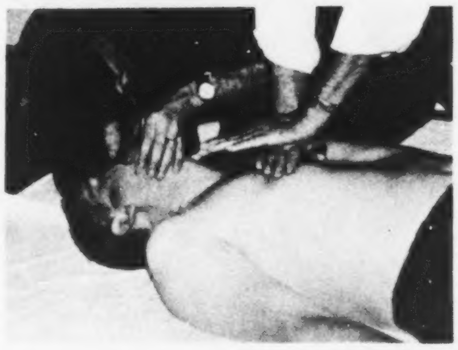
CLOSED CHEST HEART COMPRESSION

STEPS	KEY POINTS
1. Examine victim  FIGURE 1	1.1 Check for breathing and/or pulse by: .1 Place hand on diaphragm to detect motion .2 Feel carotid artery on neck for pulse (see figure 1) 2. Check pupils of eyes for dilation and reaction to light (see figure 2)
2. Position victim FIGURE 2 Examining for pupil action.	2.1 Place victim on a hard surface: .1 Floor .2 Ground .3 Backboard if available
3. Open air passage 	3.1 Place one hand under back of neck and lift .2 Place other hand on forehead and tilt the head backward to maintain fully extended position
4. Inflate lungs FIGURE 3	4.1 Use mouth to mouth resuscitation (see figure 3) 4.2 Make two or three inflations
5. Locate victim's heart  FIGURE 4 Measuring the sternum, or chest bone.	5.1 Place index finger of one hand top of chest bone. (Sternum) .2 Place index finger of other hand at bottom of chest bone. (Sternum) .3 The heart is located directly under the lower half of chest bone. (Sternum) (see figure 4)

(Photos courtesy Sharon Twp. F.D., Worthington, Ohio)

LAW ENFORCEMENT OFFICER TRAINING

CLOSED CHEST HEART COMPRESSION

STEPS		KEY POINTS
6. Position hands	6.1	Kneel beside victim
	.2	Place butt or heel of one hand on lower half of chest bone
	.3	The butt of hand should be along chest bone with fingers extending toward the ribs
	.4	Fingers should be extended up and not touching the ribs
	.5	Place second hand on top of first hand
7. Apply pressure a. one man operation	7.a.1	Position hands
	a.2	Keep elbows straight
	.3	Bend forward til shoulders are directly over hands
	.4	Use weight of upper body to exert pressure
	.5	Depress chest bone one and a half to two inches
	.6	Release pressure as soon as chest bone is depressed
FIGURE 5 Placing the hands.	.7	Repeat 15 times
	.8	Administer two (2) mouth to mouth inflations after every 15 compressions
	.9	Maintain rate of 60 compressions per minute
b. two man operation	7.b.1	Same procedure as step 7 except one man administers mouth to mouth, the other closed chest compression
	.2	Maintain cycle of 5 compressions and 1 mouth to mouth inflation
FIGURE 6	.3	Mouth to mouth should be started immediately during release of 5th compression

(Photos courtesy Sharon Twp. F.D., Worthington, Ohio)

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

CLOSED CHEST HEART COMPRESSION

STEPS	KEY POINTS
c. Infant or child	7.c.1 Same as step 7 except use one hand or finger for compression .2 Compress chest at rate of 80 to 100 times per minute .3 Maintain cycle of 5 compressions to 1 mouth to mouth inflation or 15 to 1 if alone

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING
EMERGENCY VICTIM CARE
CHILDBIRTH

INTRODUCTION

An officer has to decide whether to transport the expectant mother to where medical help is available, or whether to keep the mother in her home and attend the birth of the child. Because the officer must solve this problem, it is of the utmost importance that all officers have at least some fundamental knowledge about the conditions surrounding childbirth.

NORMAL DELIVERIES

A woman in labor and/or a new-born child can certainly present many difficult situations. Unless the officer has proper knowledge and training in this particular area of emergency care, great harm may be done to the mother and/or the child.

Although it is not the intention of this book to perfect the officer in the art and science of obstetrics, there is a real need to give such personnel a working knowledge of what to expect. Because lives may be in the balance, the officer must decide quickly either to transport or not to transport a mother to a hospital. The decision should depend upon certain evidence which the officer has to evaluate at once.

The expectant mother is to be transported only before the evidence of crowning is apparent. If crowning is apparent, childbirth will follow soon after. In such a case, the mother should not be moved at all, unless the officer is otherwise directed by a physician.

The officer must have some concept of what takes place before, during, and after labor to be able to best care for the mother and child. However, this material will deal mainly with the period during labor since this is usually the period in which victim care arises. Therefore, the officer should have some knowledge of what is normal and abnormal in childbirth.

DEFINITIONS

Obstetrics: The care of the childbearing woman and her new-born baby. Obstetrics deals basically with three distinct periods:

1. Pregnancy: The period from conception through the period of labor to birth of the child.

2. Labor: The period during which the baby and the placenta are expelled from the mother's body into the outside world.

3. The Puerperium (Post Delivery): The period during which the organs of reproduction are restored to approximately their former size and condition. This usually takes about six weeks.

CHILDBIRTH

Internal Organs: The internal organs of reproduction are: (a) the ovaries, (b) the fallopian tubes, (c) the uterus, and (d) the vagina.

Ovaries: The ovaries are the glands in the female producing the reproduction cell known as the ovum.

Fallopian Tubes: The fallopian tubes are two thin, trumpet-shaped, flexible muscular tubes, about four and one half inches long and somewhat thinner than a lead pencil. They have two openings, one into the uterine cavity and the other into the abdominal cavity. The abdominal opening is somewhat larger and is surrounded by a large number of fringes; hence the term "fimbriated end". The fallopian tubes act as a passage from the ovaries to the uterus.

Uterus: The uterus, or womb, is a thick-walled, muscular, hollow, pear-shaped organ. Fully developed, in nonpregnant state, it is approximately three inches long, two inches wide, one inch in thickness, and weighs from one to two ounces. It is composed of involuntary muscle fibers, running in different directions, making its expansion possible up to the size of a pumpkin. At termination of pregnancy it weighs about two pounds. The muscles of this organ are arranged so as to make it able to expel its fetus (infant) by contraction at the termination of normal labor. (See Figure 1.)

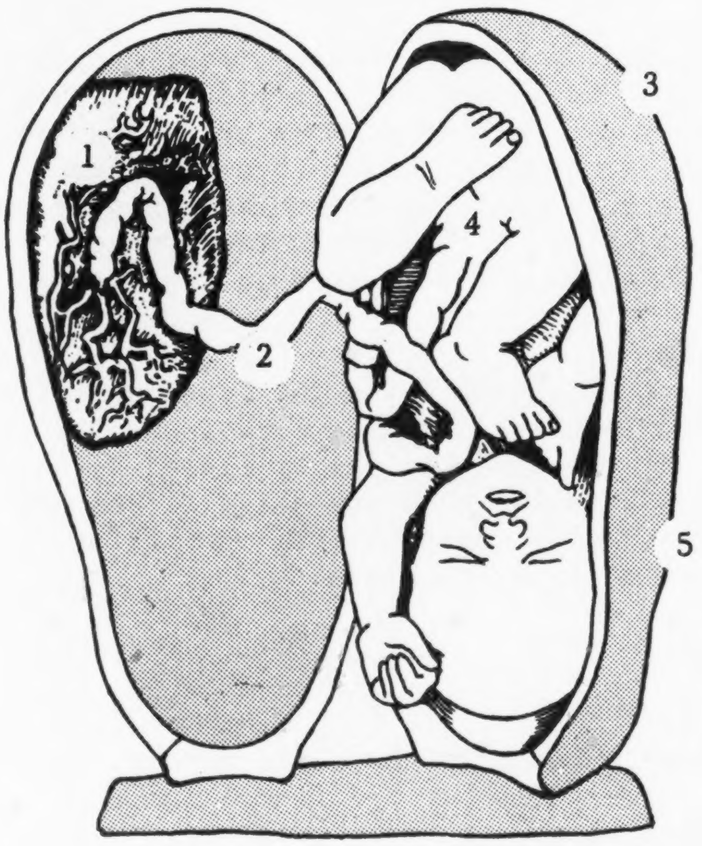
Amnion (Bag of Waters): The thin transparent sac which holds the fetus suspended in the fluid called amniotic fluid. This sac is lined with a smooth, slippery, glistening membrane. The space, or the amniotic cavity filled with fluid, is often called "the bag of waters." Here is where the child floats and moves. At full-term pregnancy this cavity normally contains from one half to one quart of water. The important functions of this fluid are:

1. To protect the fetus from blows
2. To allow the fetus freedom of motion
3. To keep the child at an even temperature
4. To help to enlarge the vaginal canal during labor so the child may be born more easily.
5. When membranes rupture, to flush the birth canal, thereby cleansing, lubricating, and disinfecting it

Placenta (Afterbirth): By the third month another important structure, the placenta, has formed. The placenta is a fleshy, dish-like organ. Late in pregnancy it measures about eight inches in diameter and one inch in thickness. It receives its name from a Latin word meaning cake, which this structure resembles somewhat in shape.

A tree or a plant sends its roots into a bed of earth for nourishment, and when the plant is removed a certain amount of the earthy bed clings to the interlocking roots. Similarly, a thin layer of the uterine bed clings to the branching projections and together they make up this organ, which supplies food to the fetus as the roots and the earth provide nourishment for a plant. At term a placenta weighs about one pound. Its surface is smooth and glistening, and beneath this membrane may be seen a number of large blood vessels.

The placenta and the child are connected by means of the umbilical cord. This cord is fastened to the center of the placenta and from there enters the abdominal wall of the child. It is usually about twenty inches in length and three quarters of an inch in diameter. It contains two arteries and one large vein, which are twisted upon each other and are protected from pressure by a transparent, bluish-white, gelatinous substance called jelly.



1. Placenta: usually attached on rear wall
2. Umbilical cord: it is about 20 inches long
3. Fundus of uterus
4. Infant's navel
5. Front wall of uterus

Figure 1

Unborn child

LABOR

Labor is the process by which the child is expelled from the uterus. It is divided into three stages: dilation, expulsion, and placental.

First Stage - The first stage of labor (dilating stage) begins with the first symptoms of true labor and ends with the complete dilation of the vaginal canal.

Training Procedure No. 25

CHILDBIRTH

Officer Care

1. Encourage the victim. The officer should display an attitude of cheerfulness, sympathy, and encouragement toward the expectant mother.
2. Observe the character of the pains. The frequency, the duration, and the intensity of the pains should be watched closely and recorded. The presence of "show" in substantial amounts (bloodstained mucus, not actual bleeding) suggests that rather rapid progress may be taking place and should be reported, particularly if associated with frequent severe pains.
3. Urge the victim not to bear down. During the first stage of labor, uterine contractions are involuntary and uncontrolled by the victim. Not only is it futile for her to bear down, this leads to exhaustion and may tear parts of the birth canal.

If the officer determines that the mother is in the first stage of labor, preparations should be made to transport her to the hospital.

Second Stage - Watch for signs of the second stage. These signs are as follows:

1. The victim begins to bear down on her own accord.

2. There is a sudden increase in vaginal discharges; sometimes there may be slight actual bleeding. This indicates that the child's head is passing through the completely dilated birth canal.

3. The victim thinks that she needs to evacuate; this symptom is due to pressure of the head on the perineal floor and consequently against the rectum.

4. The membrane ruptures with discharge of fluid. This, of course, may take place at any time but occurs most frequently at the beginning of the second stage.

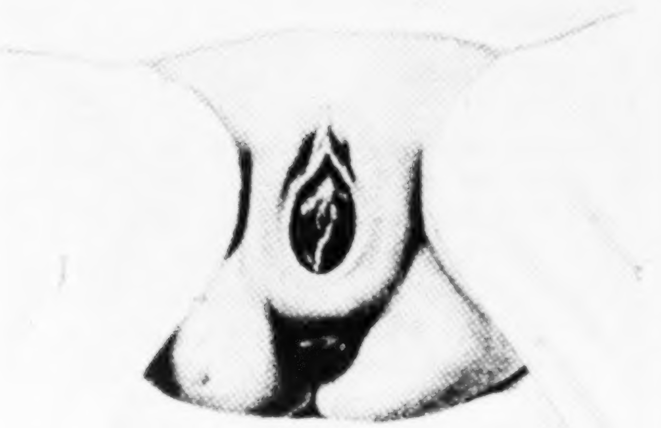
5. The vaginal opening begins to bulge and the anal orifice to dilate. This is a late sign, but if 1, 2, 3, and 4 occur, the appearance of the infant should be watched for, with every pain. Only the appearance of the head (crowning) can definitely confirm this suspicion. Vomiting at this time is not unusual. If vomiting occurs, take precautions against strangulation.

Crowning - The vaginal opening will bulge and the top of the child's head will actually be seen. This is called crowning. Crowning is the very last symptom before the head and then the child are actually delivered. (See Figure 2.)

If examination of the birth canal during labor pain reveals that the mother is crowning, this will indicate that the infant may be born almost immediately. In this case, the officer should not attempt to transport the mother to a hospital, but should be prepared to deliver the baby in the next few minutes. If she is not crowning during a labor pain, the officer will probably have time to reach a hospital. In such case, the mother should be transported.

Training Procedure No. 25

EMERGENCY VICTIM CARE



Courtesy After Bumm, Robert L. Dickinson, M.D.

Figure 2

Crowning

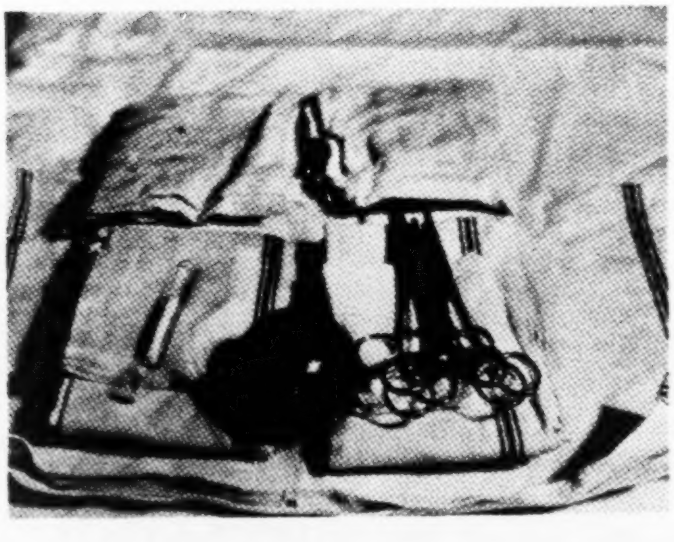


Figure 3A

An open O.B. kit. The gloves (in the back) are separate so that the squadmen may put them on without contaminating the other sterile materials.

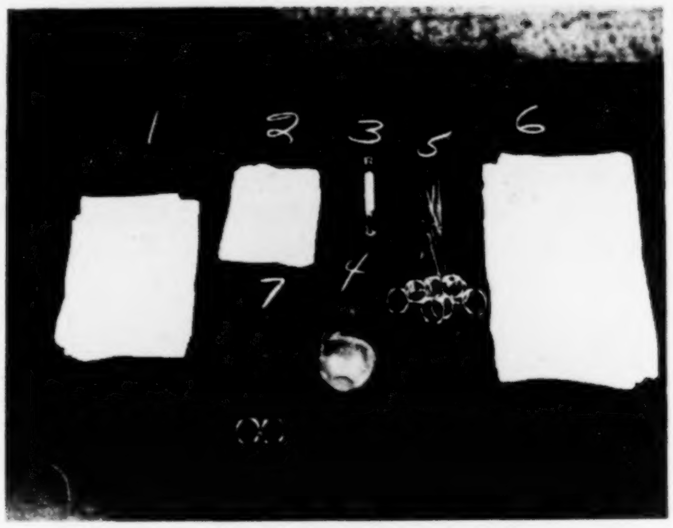
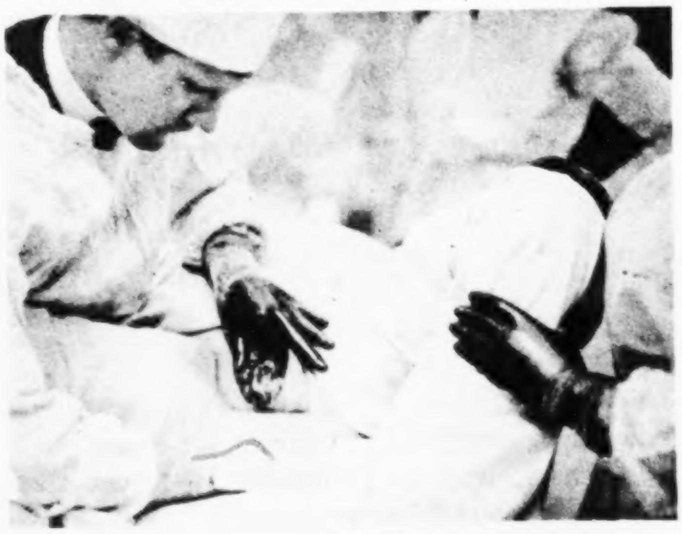


Figure 3B

Materials needed in an O.B. pack:

1. 4 towels
2. 12 gauze compresses, 4 x 4 size
3. cord tape or ties
4. soft rubber ear syringe
5. 4 large, straight hemostats
6. 3 pairs of rubber gloves
7. 1 pair of scissors

Towels are used to protect the area. The 4 x 4 compresses are used to absorb any liquid materials. The ear syringe is used to suction the child's nose and mouth.



Courtesy Dr. George P. Shears

Figure 4

Crowning has occurred; delivery is starting.

CHILDBIRTH

Care at Delivery - If it is established that the officer must help in the delivery, the officer should obtain the following equipment from the patrol car: (a) O.B. kit, (b) first aid kit, (c) combination resuscitator-aspirator. This equipment should be brought to the delivery area and made ready. (See Figures 3A and 3B.)

Figures 4 through 9 show stages in the normal delivery of an infant's head. The head usually is delivered with the face toward one of the mother's legs. It should be supported by the rubber-gloved hand. Gloves should be sterile if possible.

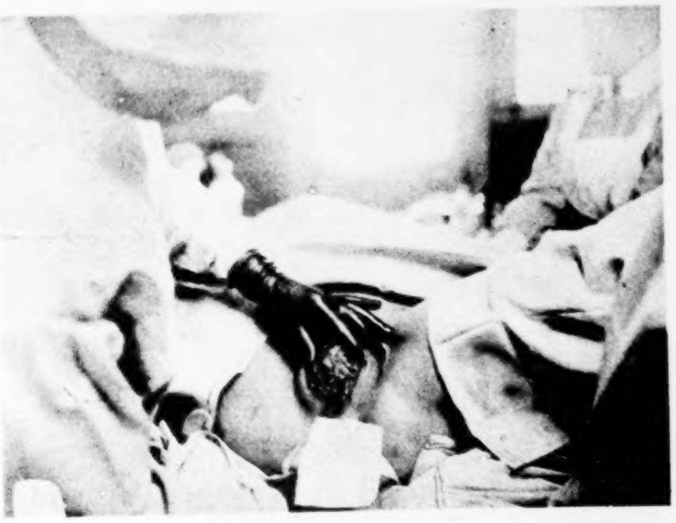
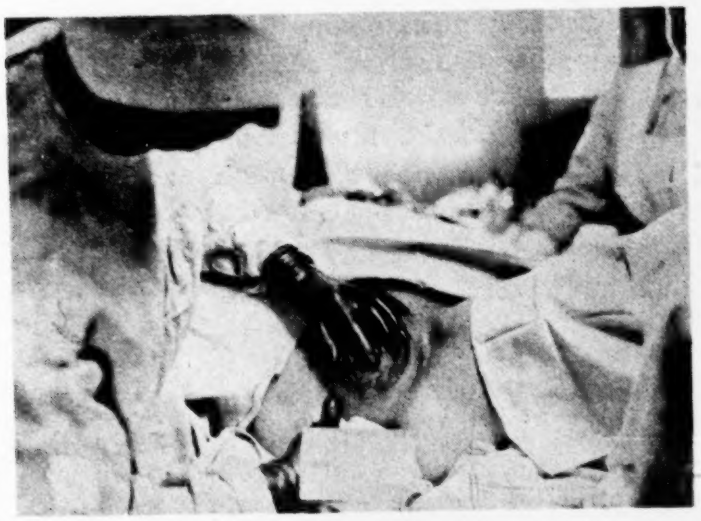


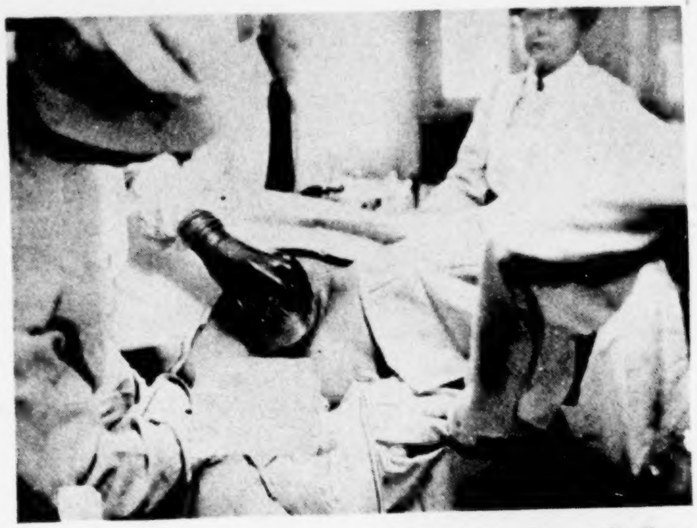
Figure 5

This is a normal presentation.



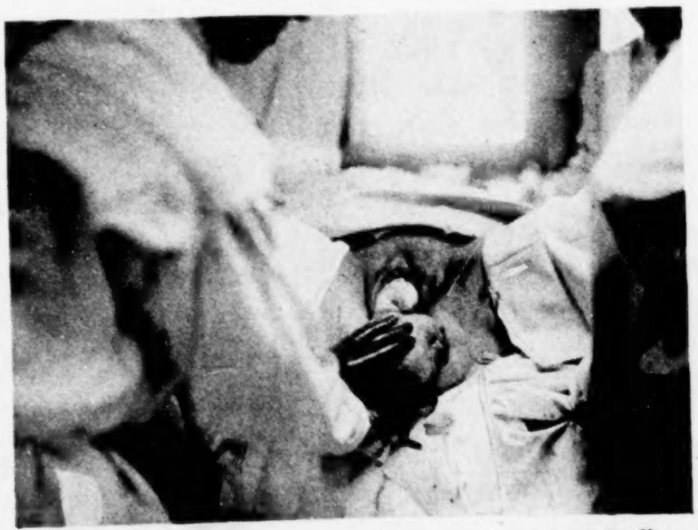
Courtesy Dr. George P. Shears

Figure 6



Courtesy Dr. George P. Shears

Figure 7

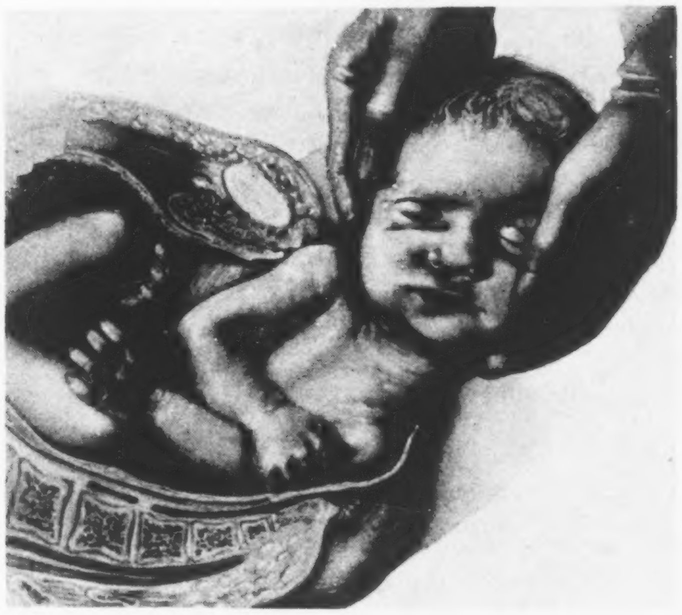


Courtesy Dr. George P. Shears

Figure 8

Be prepared to support the baby's head as soon as it is delivered.

EMERGENCY VICTIM CARE



Courtesy Zabriski-Eastman, "Nurses' Handbook of Obstetrics

Figure 9

Delivery of bottom shoulder. Note that sterile gloves are worn.

While supporting the head, check to find out if the cord is wrapped around the neck. If it is, run your finger between the cord and the child's neck to loosen the cord. If the cord is too tight, clamp it twice and cut between clamps.

After the head is delivered, contraction of the uterus will continue until the shoulders are delivered. Do not pull. The mother sometimes has difficulty delivering the shoulders because of their width. The top shoulder is usually the first one to present itself. Slight traction on the head toward the floor will help deliver the upper shoulder: see Figure 8. Slight traction on the head toward the ceiling will help deliver the bottom shoulder: See Figure 9. Then apply slow, straight outward traction very gently on the head. Continue to support the child and be ready for sudden expulsion. After both shoulders are delivered, the baby will follow very quickly. Guard the cord so as not to tear it.

Care of the Child - The child is now on his own and should be able to start to breathe. To safeguard the child, the officer should:

1. Turn the child on his side across the mother's abdomen. This will facilitate the flow of mucus out of his mouth.

CHILDBIRTH

2. Pull the tongue forward. This can be done by grasping the tongue, top and bottom, and pulling out to the lower lip.

3. Clear his air passage. Wipe his mouth inside and out with a gauze bandage (4 x 4). By placing another gauze compress (4 x 4) over your index finger and placing your finger in the child's mouth, gently clean out all foreign bodies and mucus.

All three of the above should be carried out in all deliveries whether the child breathes or not.

4. If the child starts to breathe, your attentions should then be turned to the mother and the cord.

IF THE NEWBORN DOES NOT BREATHE-

If 30 seconds to one minute have elapsed without the newborn breathing, and steps 1, 2, and 3 above have been completed, the officer must start some type of resuscitation.

5. Stimulate the child. This can be done by rubbing the child with your hand. Do not slap the child. You may also snap him on the bottom of his feet with your index finger. The child should be left on his side for this.

6. Use manual artificial respiration. Leave him on his side and aerate him by mouth-to-mouth breathing. This should be done once or twice. If the child is able to breathe on his own he will. If he does not:

7. Use mechanical artificial respiration. This is done by using a commercial resuscitator. Put the mask in place using the resuscitator stage of the machine. Let the machine breathe for the child once or twice and discontinue. If he is able to breathe on his own, he will. If he does not, it is evident that he is not able to do so.

8. Keep up the mechanical resuscitation. This must be kept up until the child starts to breathe or until he is pronounced dead by a physician. Transport him as soon as possible.

The Cord - After the child is breathing, attention should be turned to the cord. The officer needs to know the procedure for cutting the cord, as a safety measure when the mother must be moved under awkward conditions. Those who have tried to carry a new mother down three flights of stairs with a newborn balanced on her abdomen know the safety problem. There are instances when the child should be separated from the mother.

1. Milking the cord - Before cutting the cord, the officer must "milk" it. At approximately nine inches from the child, grasp the cord between index finger and thumb of one hand. With the index and second finger of the

opposite hand grasp the cord in a scissors fashion. Milk the cord toward the baby for only two inches. It is in these two inches that the cord will be cut.

2. Tying the cord - Place a sterile clamp (hemostat or tie) approximately six to nine inches from the baby's abdomen. Cord ties can be purchased through drug stores or hospital supply companies. Each tie is 1/8" x 12". Ties are made of cotton and can be purchased sterile.

Approximately one inch further away from the tie or clamp, place another tie or clamp. When tying the cord, use square knots and put at least three knots in place.

3. Cutting the cord - Between these two clamps or ties, cut the cord with sterile scissors. This physically separates the living and breathing child from the mother.

Put the child in a soft blanket and place him in the care of some competent person. The child should be kept on his side with his head slightly lower than his body.

Third Stage - From the time the child is delivered until the placenta is delivered is the third stage of labor. The placenta usually appears within 30 minutes. There will be one to two cups of blood delivered with the placenta. This is a normal amount.

After the after-birth (or placenta) is delivered, it should be preserved in some type of container or wrapped in a newspaper. This must be kept and brought into the hospital with the mother and child, so that it can be examined to see if any particles have been left in the uterine cavity.

A sterile sanitary napkin can be placed in position at this time. Be sure it is sterile. Individually wrapped sterile napkins should be carried. If they are included in the O.B. pack, they will be sterile.

FINAL STEPS IN EMERGENCY CHILDBIRTH

The mother and child must be in the hands of medical personnel before the officer leaves them, for the following reasons:

1. The child must have a physical examination.

2. The mother must have a physical examination including the checking of her birth canal for lacerations.

3. The newborn's eyes must be cared for, to prevent any serious eye infection. (This is a state law in Ohio.) Silver nitrate is usually used and this function is to be performed only by the experienced and trained officer; usually it is done by a physician.

CHILDBIRTH

4. The cord must be checked by competent medical personnel.

5. Baby and mother must be observed for a period of time.

If the physician should ask the officer to make out the birth certificate, he may do so. Many times the physician may ask that this be done because the officer was present at the actual delivery.

Birth certificates can be obtained at the local county health office. They must be made out as soon as possible after the birth and be filed with the proper registrar in the county health office.

UNUSUAL DELIVERIES

DEFINITION

The term "Breech", in connection with childbirth, refers to the birth of the infant in a reverse position, as contrasted with normal head-first delivery.

In normal childbirth, the child will usually start to breathe as soon as his chest is exposed, or shortly afterwards. Because of the nature of the breech type of birth, the child's chest is delivered before his head. It is impossible for the child to take in air, as his air passages are blocked; his head is still within the vaginal canal.

OFFICER'S CARE

As soon as the officer finds that it is going to be a delivery in a breech position, he must be ready to support the child. This can be done by letting the child rest on the officer's hand and arm, thus allowing the infant's legs to straddle the officer's arm.

The legs, hips, stomach, and chest will be delivered at this point. Sometimes it will be harder for the mother to deliver the head, and in more severe cases, the delay is quite long. If this happens, the child may suffocate, as the result of a poor air passage.

An air passage may be created by the officer supporting the body of the infant with one hand and inserting the index and second finger of his other hand into the vaginal canal in such a way that the palm faces the baby. He should run his fingers around the child's neck until the chin is found. At this point the two fingers should be run between the child's chin and the vaginal canal. As the child's nose is reached, the officer should separate his fingers enough so as to run one on each side of the child's nose. When in this position the officer's fingers should be pushed away from the infant's face, in turn, facilitating a good air-way. The officer should keep his fingers in this position until the entire head is delivered.

EMERGENCY VICTIM CARE

This is the only time the officer should touch the vaginal area. The officer should have sterile gloves on for this procedure.

OTHER CHILDBIRTH EMERGENCIES

On arrival, the officer may find that the cord, a foot, or a hand is protruding from the birth canal. Transport this mother at once, taking special care not to injure the prolapsed part. Do not try to replace the prolapsed part in the vaginal canal!

If a hand or foot is protruding, cover it with a sterile towel or as clean a piece of material as is available.

If the cord should be protruding, the child may be in danger. This danger is caused by the cord being under direct pressure due to its position between the head and the birth canal. While the cord is in this position, the child might not be receiving an adequate amount of blood and oxygen.

OFFICER'S CARE

Transport this mother at once! In case the cord is protruding, place the mother on her back with her hips elevated on two or three pillows or folded blankets. This will cause the child to drop a little into the uterus. If the mother can be maintained in a knee-chest position, balance supported by officer, it is preferred to elevated-hip position. However, this is a very difficult position to maintain during transport, and special precautions must be taken to safeguard the mother if this position is used. These positions will relieve some of the direct pressure pinching the cord.

ABORTION OR MISCARRIAGE

DEFINITION

This is the giving off of the membranes and the unborn child before the child is able to live on its own. This usually occurs before twenty-eight weeks of pregnancy have passed. Such an abortion or miscarriage can take place any time between conception and the time just before the child is able to live on his own. Although the outward symptoms may vary, the following symptoms will be present.

SYMPTOMS

1. Fast pulse
2. Perspiration
3. Pallor (pale skin)

CHILDBIRTH

4. Weakness - inability to stand
5. Cramping pain in the abdomen
6. Moderate to severe vaginal bleeding
7. Discharge of large or small particles from the vaginal canal

In other words, there will be all the symptoms of shock, plus, in most cases, bleeding from the vagina.

OFFICER'S CARE

1. Place victim in shock position.

2. Conserve body heat.

3. Officer may moisten the patient's lips if she requests it.

4. Do not touch the vaginal area, as the victim is prone to infection.

5. Officer may put sterile towels or vaginal pads (sanitary napkins) at the vaginal opening.

6. Keep any particles that are discharged and take them to the hospital with you, since this fleshy material may have form.

Training Procedure No. 25

LAW ENFORCEMENT OFFICER TRAINING

THE MENTALLY DISTURBED PATIENT

INTRODUCTION

Many mildly disturbed persons are about us daily. It is only when their actions are especially unusual that attention is brought to them.

On many occasions an officer is called to attend someone who is behaving oddly. It is paramount that the officer remember he is to assist disturbed people and not judge or punish them.

This chapter will be divided into two sections. One describes the care of victims who are emotionally disturbed because of disasters and accidents. The other describes victim care for the more usual emotional disturbances that the officer might see.

CARE OF EMOTIONALLY DISTURBED PEOPLE IN LARGE-SCALE EMERGENCIES

The American Psychiatric Association has divided the reactions to large-scale emergencies into 5 categories: (1) normal reaction, (2) individual panic or blind flight, (3) depressed reaction, (4) overly active response, and (5) bodily reaction. Each officer must understand these individual reactions to an emergency and how to cope with them.

NORMAL REACTION

Symptoms - The experienced officer has often seen this reaction to emergencies. In fact, an officer himself may have a normal reaction to an emergency. The signs of this reaction are trembling, profuse perspiration, nausea, and weakness. A victim may be confused. He may experience what is sometimes called "temporary state of shock."

Officer Care - Reassure these people. If you encourage them often, they usually will recover in a short time. They then may be able to assist the officer, in the case of a large-scale emergency.

BLIND FLIGHT OR INDIVIDUAL PANIC

Some laymen describe this disturbance as "running wild."

Orderly Exit - It is not thought to be panic if a person or group remove themselves in an orderly way from a dangerous or supposedly dangerous situation. A good example of proper control of panic is fire-drill practice in schools. If children did not practice orderly exits, many might panic in a real emergency, causing the whole class or school to panic. But because of practice drills there is a quick, orderly, normal reaction.

Training Procedure No. 25

MENTAL PATIENTS

Symptoms - There are a variety of symptoms of individual panic. The victim may attempt to flee from the scene. Officers have found uninjured persons running about a scene or away from it. The victim may lose all judgment. He may want to do unreasonable things at the scene which could be done later. He may weep uncontrollably. This sign may come on with little stimulus. For example, at the scene of a home accident someone may be running about widly and weeping. It may later be found that this victim is not part of the family, but a distant neighbor who happened by and reacted to the injured person in this way.

Officer Care - Be firm but gentle at first. If the victim is so upset that he might cause other people to panic, he should be isolated. This may require the effort of several people.

A panic-stricken victim sometimes can be isolated in the emergency vehicle. If there are injured persons involved, another officer should be called to take the person suffering from individual panic to the hospital. To put this victim in the same vehicle with severly injured people could increase the shock of the injured.

To bring the person with individual panic under control upon your arrival may have a reassuring or calming effect upon many other people. This will contribute to better patient care for all concerned.

Do not strike the panicky victim, or slap him, or throw cold water on him. These methods have been found to be of little help.

DEPRESSED REACTIONS

Symptoms - In the midst of a bad accident scene or disaster, this victim may behave as though there is no one around him. He seems to be "in another world". This behavior has been witnessed many times at large-scale accidents such as explosions, tornadoes, train and bus accidents, etc.

The accident is more than the victim can take mentally, so he shuts the outside world out. He may have a vacant expression, showing no emotions. He may sit or stand without moving or talking.

Officer Care - Do not rush this victim of depression. Your contact must be gentle. Try to get the victim to talk. Ask him what happened.

Finding a routine, simple job for him might help to bring him back to normal. He might help you with simple jobs in caring for patients, such as holding a flashlight, bandages, reports, etc. In a short time he may realize that the disaster is not as great as it seemed, or that he is making a positive contribution by helping the officer.

Do not tell the victim to "snap out of it." Do not feel resentful toward him or show resentment. Do not pity him verbally.

EMERGENCY VICTIM CARE

OVERLY ACTIVE RESPONSE

Symptoms - This person will be exploding with energy and ideas at the scene. He cannot sit or stand still. He will jump from job to job, hardly ever finishing one. He may joke inappropriately, talk very rapidly, and be argumentative.

Upon arrival, the officer may at first think this person is being helpful, but in a short time it will be found that his activities are useless.

By insisting on their own ideas and going from one place to another, these acutely active victims may be a source of opposition to your sound, practiced rescue and emergency procedures.

Officer Care - Under proper supervision these victims can become somewhat composed.

Do not agree with them. Tell them that the rightness or wrongness of your order can be dealt with later. These persons are the first to find fault with anything, and may be very disturbing to the officers if not supervised.

Their need for physical activity is very urgent. Find jobs for them that use physical activity.

Give them some personal attention. Talk with them for a short time. If they think they are "on your side", they will be of some help to you.

Do not tell them that they "should not feel the way they do."

BODILY REACTIONS

Symptoms - These reactions are different from the normal reactions described in this section. The symptoms include severe nausea and vomiting. Victims may also lose the ability to move their limbs. Loss of sight, hearing, or speech may also occur. These are forms of conversion hysteria: the victims sub-consciously convert their anxiety to a part of their body.

Do not assume that someone who shows symptoms of conversion hysteria is not physically injured, until he has been examined thoroughly.

Officer Care - If a victim believes that a part of his body is injured, treat it as though it is. A splint or other measures may help temporarily.

Show the victim that you are interested in helping him.

Sometimes having a job will help him to forget his disability, and this may lead to recovery and use of the part.

MENTAL PATIENTS

Do not blame or ridicule the victim. Conversion hysteria is not under conscious control.

Do not tell him that there is nothing the matter with him. A victim can be functionally blind or paralyzed, even though the involved structure is uninjured.

SUMMARY

In dealing with any of the five described kinds of reactions, the officer must establish an effective contact with the disturbed person. Once this contact is made it is reasonably easy to help him.

A victim may exhibit one reaction, and later another. The officer must be able to care for all reactions exhibited.

The following general approaches should produce positive results:

1. Accept every person's right to have his own feelings. People do not always act as we want them to.
2. Accept a casualty's limitations (or reactions) as real.
3. Size up a casualty's potentialities as accurately and as quickly as possible.
4. Accept your own limitations in disaster or accident situations.

COMMON MENTAL DISTURBANCES

There are medical conditions commonly seen by officers, pertaining to the mentally disturbed patient, and not necessarily related to an accident. Delirium tremens, hysteria, and amnesia are among the most common.

DELIRIUM TREMENS

Delirium tremens is a mental disorder, involving hallucinations both visual and in hearing, commonly called "D.T.s."

This acute type of insanity may be brought on by (1) a prolonged alcoholic drinking spree or a sudden withdrawal of alcohol, (2) an acute infectious disease, or (3) trauma (injury), especially fractures and severe crushing injuries.

Symptoms - The victim usually experiences depression, uneasiness, and insomnia for a day or two. Then coarse shaking develops along with hallucinations, usually involving nonexistent things "seen".

Training Procedure No. 25

EMERGENCY VICTIM CARE

Officer Care - Transport the victim to medical as well as psychiatric care at once, so as to protect him and those with whom he may come in contact. He may see or hear things that are not actually present, and may strike out at these imaginary objects or start to run from them. Officers should remember this and not assume that the victim is striking at them.

Try to engage the victim in general conversation. While talking with him, get him into the vehicle and transport him. If violence is encountered, you may be forced to restrain him for his own protection.

HYSTERIA

Symptoms - Hysteria is manifested in many ways. It may be as mild as a headache, or so violent that it brings on self-destruction or personal injury.

The causes of hysteria stem usually from nervous disorders or a sudden psychological shock. Persons in a state of hysteria are usually not aware of their actions. The arrival of an emergency vehicle and the officer may cause hysteria to become much worse. Because of this, the proper approach to hysterical patients is most important.

Officer Care - In your speech and movements try to convey a reassuring calmness.

1. Your actions should not be hasty, but deliberate and meaningful.

2. Talk to the victim softly and slowly. All motions should be slow and deliberate.

3. After talking to the hysteria patient in order to win his confidence, arrange to transport him to medical help.

4. Many times, the victim will not consent to ride in a patrol car, but will go with members of the family in a private car. If the victim is quiet and acts normally, letting him go with members of the family might be the best move.

5. If the victim is violent upon the officer's arrival, the officer must take precautions to prevent harm to himself or the victim. The method of approach described above may be used to get close to the victim. As soon as the officer is able to grasp the victim, he should do so, but he should first make sure there is plenty of additional help at hand. Some feel it is better to approach the violently ill in numbers from the very beginning.

6. The officer should try to get these people to medical help quickly.

Training Procedure No. 25

MENTAL PATIENTS

AMNESIA

Symptoms - The true amnesia victim will act very much like an unconscious person who has been suddenly awakened. The victim may be able to give his name, but he will not remember anything about his past. Some victims will obviously be dazed and will recall neither their names nor their whereabouts. Furthermore, the victim will be slow to move.

The cause of amnesia may be either physical or psychological shock. Usually it is the latter.

Officer Care - Transport the victim to the nearest medical help. He may need psychological care. A physician will be able to arrange appropriate treatment for him.

Training Procedure No. 26

SPECIAL EVENTS, HANDLING

INTRODUCTORY INFORMATION:

Vital to the safety and well being of a person participating in a special event is the officer's ability to effectively control the actions of persons in attendance. Effective control is based upon many techniques employed by an officer to prevent a mishap or crime from taking place.

Great numbers of people is the usual in a special event such as dances, parades, basketball or football games, and peaceful demonstrations. Emotions, attitudes, and prejudices are human factors which control the demeanor of the participant. A decision by the referee could explode the emotions of a spectator. A person's negative attitude towards peaceful demonstrations could result in a riot. Opposition prejudices towards the political party parading may cause reactions by spectators which are physically harmful to the paraders.

Officers assigned to special events must work as a team to effectively carry out the assignment. Teamwork requires planning, preparation, and a concerted effort on the part of each officer.

EQUIPMENT NEEDED:

Uniform of The Day
Flashlight
Barricades
Radio, Portable Two-Way Transistor
Traffic Baton
Rope
Signs

GENERAL SAFETY PRACTICES:

Be alert to moving traffic
Constantly watch persons by facing them.
Make certain equipment is in working condition.
Keep all persons behind appropriate barriers.
Advise all drivers in caravan to maintain assured clear distance ahead.

Training Procedure No. 26

LAW ENFORCEMENT OFFICER TRAINING

	STEPS			KEY POINTS
1.	Prepare for Assignment	1.1		Learn about assignment
			1.1	Place
			.2	Time
			.3	Uniform and accessories
			.4	Officer in charge
			.5	Duties to be performed
			.6	Routes to be followed, as appropriate
			.7	Transportation
			.8	Reporting area
			.9	Eating before assignment
			.10	Recording pertinent information in notebook
			.11	Discussing and coordinating activities with other officers assigned
			.12	Determining procedure to be used for sick or injured
			.13	Checking reception and transmission of portable radio
			*.14	Testing flashlight and/or traffic baton
2.	Report to officer in charge at location	2.1		Before time to start

Training Procedure No. 26

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		.2	Receiving specific location of assignment
		.3	Clarifying all questions about assignment
		.4	Making certain uniform is neat and clean
		.5	Personally well groomed
		.6	Taking along necessary equipment
		.7	Rechecking portable radio for transmission and reception
3.	Assume location	3.1	As promptly as possible
		.2	Taking stance appropriate to situation
		.1	Facing people
		.2	Slight angle to people
		.3	Maintaining assigned location until properly relieved
		.4	Citing or impounding illegally parked vehicles, after search for owner
		.5	Follow orders
4.	Control People	4.1	Guiding and forming early arrivals
		.1	Direct spectators to specific area
		.2	Explain way, if necessary
		.3	Request movement of individuals, not crowd as a whole
		.2	Seat children along curb for parades, if practical
		.3	Be alert for pickpockets
		.1	Man or woman with coat or newspaper over arms
		.2	Person not concerned with event but moving around in crowd
		.4	Give orders in clear, audible voice just loud enough to be heard
		.5	Keep all spectators within appropriate barriers
		.6	Be alert for injuries or sickness
		.7	Answer inquiries courteously

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS	
		4.3.8	Maintain erect posture and pleasant facial expression
5.	Salute colors when in uniform	5.	
a.	Outdoors - Parade-sports events - etc.	a.1	Those at head of parade
		.2	Others if attention to crowd is necessary
		.3	Face colors and stand at attention
		.4	Face colors and render hand salute when flag is within six paces, hold till six paces beyond
		.5	Resume crowd control
b.	National Anthem	b.1	Face flag or music if flag not displayed
		.2	Stand at attention
		.3	Render hand salute through the Anthem
c.	Funeral (Brother officer) (See Appendix 58)	c.1	Follow orders of officer in charge or funeral director
d.	Funeral	d.1	Determine from funeral director what he wants you to do
e.	Indoor Function (in uniform)	e.1	Face flag at attention
		.2	Hand salute flag during "Anthem" or "pledge"
		.3	Recite pledge of allegiance, as appropriate, while saluting
6.	Vehicle escort	6.1	Receive information from officer in charge:
		.1	Time
		.2	Place for a caravan to start and end
		.3	Routes to be taken
		.4	Pace to be set
		.5	Stops to be made
		.6	Arrangement for dispersal
		.2	Report at proper time and place
		.3	Assist with traffic direction during formation
		.4	Advise all drivers to maintain assured clear distance in accordance with pace being set

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	6.5	Signalling well in advance all changes of pace and direction
	.6	Complete escort and assist with dispersal by directing traffic

Training Procedure No. 27

GAMBLING AND VICE, SEX OFFENSES

INTRODUCTORY INFORMATION:

Because of the nature of violations of laws pertaining to public morals, gambling, sex perversions and prostitution. The law enforcement officer will have difficulty enforcing the law because the people involved will have a natural reluctance to report such incidence even when they have been forced against their will. The law enforcement officer may by observation receive an indication that gambling or moral violation may be taking place. When this is noted and reported, investigative measures can be instigated and arrests can result. The arrest of persons on gambling or moral charges will certainly receive the support of the community. To keep a community free of prostituation and gambling is the officers sworn duty. When this duty is fulfilled, many more serious crimes will be prevented.

EQUIPMENT NEEDED:

Notebook

Pocket Field Pen

Ball Point Pencil

Mechanical

GENERAL SAFETY PRACTICES:

Be constantly alert for personal hazards

Always keep arrestee in view

Refuse all of arrestee's requests in the field

Be certain of your observations

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
1. Street Walker	. 1 May operate anywhere
	. 2 Most are beginners or older women
	. 3 Dress to reveal physical charms
	. 4 Face make-up may be extreme
	. 5 Will walk a leisure pace
	. 6 Window shop
	. 7 Will often smile or look directly into a man's eyes
	. 8 Will approach men on the street or men that are window shopping
	. 9 Hang around bus stops--but does not take a bus
	.10 Hang around outside of bars
	.11 When contact is made, male will follow a short distance behind
	.12 Usually asks for identification - drivers license - employment card
2. Bar Girl	2. 1 Usually enters bar alone
	. 2 Will sit at bar alone
	. 3 Wait for male to pick her up
	. 4 Usually known to bartender
	. 5 Usually very friendly to bartender
	. 6 Drinks very slowly

STEPS	KEY POINTS
	. 7 By action makes clear that she is available
	. 8 Makes little or no effort to hide occupation
	. 9 Will have a room available close to bar
	.10 Will leave bar alone either a few minutes before or after her customer
	.11 Husband or boy friend is usually standing by in case of trouble
	.12 May work bar in afternoon
	.13 Most work done in evening, usually starting at about 9:00 p.m. to closing
	.14 Girls will often work in pairs
	.15 Usually ask for identification - drivers license - employment card - etc.
3. Call Girls	3. 1 They make contact with: A. Taxi Cab Driver B. Hotel Bellhops C. Bartenders D. Procurers
	. 2 They depend on their contacts to call them
	. 3 Will go to hotel when called
	. 4 Cab driver bring customer to their rooms
	. 5 Most are young and attractive

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	. 6 Higher priced than street walker or bar girl
	. 7 May live in hotel, motel, or apartment
4. Location And Identification	4. 1 Usually in old or semi-slum area
	. 2 House will have blinds closed at all times
	. 3 At night no lights show from within house
	. 4 Usually a small light by door bell
	. 5 Male customer entering and leaving house
	. 6 Cars parked in vicinity of house
5. Hours of Operation	5. 1 Usually from noon till one or 2:00 a.m.
	. 2 Most trade in evening hours
6. House And Operation Of	6. 1 Madam is in charge of house and all all working girls
	. 2 House will furnish meeting rooms for girl selection
	. 3 Rooms for acts of prostitution
	. 4 House will often sell liquor or other other illegal merchandise

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
	. 5 Most houses are operated by organized crime
	. 6 Girls are furnished by organized crime syndicates
	. 7 Girls will be transferred from house to house
	. 8 House depends on taxi drivers, bartenders, procurers, and word of mouth to supply customers
	. 9 All kind of sexual acts are practiced for hire, also in many cases for free. See Appendix No. 60
7. Laws Of Prostitution, Lewdness, Assignation	7. Define Section 2905.26

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.26	"PROSTITUTION," "LEWDNESS," AND "ASSIGNATION" DEFINED. As used in sections 2905.14 to 2905.29, inclusive, of the Revised Code: (A) "Prostitution" includes the offering or receiving of the body for sexual intercourse for hire and the offering or receiving of the body for indiscriminate sexual intercourse without hire. (B) "Lewdness" includes any indecent or obscene act. (C) "Assignation" includes the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.
2905.03	CARNAL KNOWLEDGE OF FEMALE UNDER SIXTEEN. No person eighteen years of age or over shall carnally know and abuse a female person under the age of sixteen years with her consent. Whoever violates this section shall be imprisoned in the penitentiary not less than one nor more than twenty years, or six months in the county jail or workhouse. The court may hear testimony in mitigation or aggravation of such sentence.
2905.04	ATTEMPT TO HAVE CARNAL KNOWLEDGE. No person eighteen years of age or over shall attempt to carnally know and abuse a female person under sixteen years of age, with her consent. Whoever violates this section shall be imprisoned in the penitentiary not less than one or more than fifteen years, or six months in the county jail or workhouse. The court may hear testimony in mitigation or aggravation of such sentence.
2905.05	CARNAL KNOWLEDGE. Carnal knowledge or sexual intercourse in complete upon penetration.

STEPS	KEY POINTS
2905.06	CARNAL KNOWLEDGE OF INSANE WOMAN. No male person over seventeen years of age, shall have carnal knowledge of an insane woman who is not his wife, knowing her to be insane. Whoever violates this section shall be imprisoned not less than three nor more than ten years.
2905.07	INCEST. No persons, being nearer of kin, by consanguinity or affinity, than cousins, having knowledge of such relationship, shall commit adultery or fornication together. Whoever violates this section shall be imprisoned not less than one nor more than ten years.
2905.08	ADULTERY OR FORNICATION. No person shall cohabit in a state of adultery or fornication. Whoever violates this section shall be fined not more than two hundred dollars and imprisoned not more than three months.
2905.09	SEDUCTION UNDER PROMISE OF MARRIAGE. No person over eighteen years of age shall have sexual intercourse under promise of marriage with a female person under eighteen years of age and of good repute for chastity. Whoever violates this section shall be imprisoned in the county jail not more than six months or in the penitentiary not more than three years.

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.10	INDUCING ILLICIT INTERCOURSE OR PERMITTING IT UPON THE PREMISES. No person shall induce, decoy, or procure a female person under eighteen years of age to have sexual intercourse with a person other than himself, or to enter a house of assignation or a house of ill fame for the purpose of seduction or prostitution, or knowingly permit another to have illicit intercourse with a female person of good repute for chastity upon premises owned or controlled by him, and no keeper of a house of assignation or house of ill fame, shall detain or harbor therein a female person under eighteen years of age. Whoever violates this section shall be imprisoned not less than one nor more than five years.
2905.11	GIVING INTOXICATING LIQUOR TO FEMALE. No person shall, in a wine room, saloon, restaurant, or elsewhere, give, offer, or furnish to a female person over eighteen year of age and of good repute for chastity or to a female person under eighteen years of age, wine or other intoxicating liquor with intent thereby to have sexual intercourse with such female, or to aid or assist another in so doing. Whoever violates this section shall be imprisoned not less than one nor more than three years.
2905.12	ENTICING TO OR HARBORING IN HOUSE OF PROSTITUTION. No person shall take, cause to be taken, or entice a female person, under the age of eighteen years, from her father, mother, guardian, or other person having the lawful custody, care, or charge of her, or from her home, habitation, or place of employment with the intention of inducing or placing her in a house of ill fame or a house kept for the purpose of prostitution, or

STEPS	KEY POINTS
2905.12 (CONT)	harbor such female person therein, knowing her to have been so taken or enticed away. Whoever violates this section shall be imprisoned not less than one nor more than twenty years.
2905.13	SEXUAL INTERCOURSE WITH FEMALE PUPIL. No male person over twenty-one years of age who is a superintendent, tutor, or teacher in a private, parochial, or public school, or a seminary or other public institution, or an instructor of a female in music, dancing, roller skating, athletic exercise, or other branch of learning shall have sexual intercourse with a female, with her consent, while under his instruction during the term of his engagement as such superintendent, tutor, or instructor. Whoever violates this section shall be imprisoned not less than two nor more than ten years.
2509.14	KEEPING HOUSE OF ILL FAME OR HARBORING CHILD THEREIN. No person shall keep a house or place of ill fame or assignation for the purpose of prostitution or lewdness, or a house or place for persons to vist for unlawful sexual intercourse or for any lewd, obscene, or indecent purpose, or a disorderly house or place, or a place of public resort by which the peace, comfort, or decency of a neighborhood is disturbed, or, as agent or owner, let a place, building, or portion thereof, knowing that it is intended to be used for a purpose specified in this section or being the owner or agent, of such building or portion therof, or the keeper of such house of ill fame, prostitution or assignation where lewdness exists, keep, harbor, or employ a person over four and under sixteen years of age or allow such person to remain in or about such place of assignation or house of ill fame, or knowingly permit a place, building, or portion of a building to be so used.

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.14 (CONT)	Whoever violates this section shall be fined not less than one hundred nor more than three hundred dollars or imprisoned not less than ninety days nor more than six months, or both. The houses, building, portions of buildings, and places mentioned in this section are public nuisances, and the court shall order them abated.
2905.15	PANDERING. No person shall, either by threats, intimidation, force, or violence, or by any deception, device, or scheme take, place, or cause to be taken or placed any female into a house of ill fame for the purposes of prostitution, or by force, violence, threats, intimidation, or deception, or menace or duress take or detain a female with the intent to compel her to marry him or marry any other person or to be defiled. No parent, guardian, or person having legal charge of the person of a female shall consent to her taking or detention by any person for the purpose of prostitution. Whoever violates this section is guilty of pandering and shall be fined not more than five thousand dollars and imprisoned not less than two nor more than twelve years.
2905.16	PLACING OR LEAVING FEMALE IN HOUSE OF ASSIGNATION. No person shall, by force, fraud, intimidation, or threats, place or leave any female of previous chaste life and character in a house of prostitution or house of assignation, or cause her to lead a life of prostitution. Whoever violates this section shall be fined not more than one thousand dollars and imprisoned not less than one nor more than ten years.

STEPS	KEY POINTS
2905.17	FORCING FEMALE TO BE A PROSTITUTE. No person shall place any female in the charge or custody of any person for immoral purposes or in a house of prostitution, or compel any female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or compel her to live a life of prostitution. Whoever violates this section is guilty of pandering, and shall be fined not more than one thousand dollars and imprisoned not less than one nor more than ten years.
2905.18	PROCURING. No person shall receive any money or other valuable things for procuring for, or placing in, a house of prostitution or elsewhere, any female for the purpose of causing her to cohabit with any male person. Whoever violates this section shall be fined not more than one thousand dollars and imprisoned not less than three nor more than ten years.
2905.19	PROCURING MARRIED WOMEN. No person shall place, leave, or procure any other person to place or leave his wife in a house of prostitution or procure her to lead a life of prostitution. Whoever violates this section shall be fined not more than one thousand dollars and imprisoned not less than three nor more than ten years.
2905.20	DETENTION IN A DISORDERLY HOUSE. No person shall detain or attempt to detain any female in a disorderly house or house of prostitution, or keep or detain the personal effects of any female in any such house, or fail upon demand to deliver to any female her personal effects situated in a disorderly house or house of prostitution.

STEPS	KEY POINTS
2905.20 (CONT)	Whoever violates this section shall be fined not more than one thousand dollars and imprisoned not less than three nor more than ten years.
2905.21	"WHITE SLAVE" TRAFFIC. No person shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, through or across this state, by any means of conveyance, any female with the intent or purpose to induce, entice, or compel such female to become a prostitute, or to reside in a disorderly house for the purpose of prostitution. Whoever violates this section shall be imprisoned not less than three nor more than ten years. Whoever violates this section may be prosecuted, indicted, tried, and convicted in any county into or through which he shall have so transported any female.
2905.22	COMPETENCY OF WITNESSES. Any female referred to in sections 2905.15 to 2905.25, inclusive, of the Revised Code, is a competent witness in any prosecution under said sections to testify to any matters, including conversation with the accused, or by him with third persons in her presence, notwithstanding her having married the accused either before or after the violation of said sections, whether called as a witness during the existence of the marriage or after its dissolution.
2905.23	SEARCH WARRANT TO SECURE EVIDENCE. Any court of competent jurisdiction may, upon affidavit, issue a search warrant for the purpose of securing documentary or other evidence of the violation of sections 2905.15 to 2905.25, inclusive, of the Revised Code.

STEPS	KEY POINTS
2905.24	SEARCH WARRANT. Any court of competent jurisdiction may, upon affidavit, issue a search warrant to the proper officer, particularly describing the building or place to be searched, the person to be seized, and the things to be searched for, and alleging substantially the offense, for the purpose of securing evidence, in any case of any suspected violation of sections 2905.15 to 2905.25, of the Revised Code.
2905.25	COMPETENT EVIDENCE. Evidence as to the general reputation of a house as a house of prostitution or assignation is competent evidence to prove that it is such a house.
2905.27	KEEPING A PLACE FOR PROSTITUTION PROHIBITED. No person shall: (A) Keep, set up, maintain, or operate any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation; (B) Occupying any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation or permit any place, structure, building, or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness, or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose; (C) Receive, or offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation or permit any person to remain there for such purpose; (D) Direct, take, or transport, or offer or agree to take or transport, any person to any place, structure, or building or to any other person with knowledge or

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.27 (CONT)	reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation; (E) Procure, solicit, or offer to procure or solicit for the purpose of prostitution, lewdness, or assignation; (F) Reside in, enter, or remain in any place, structure, or building, or enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation; (G) Engage in prostitution, lewdness, or assignation or aid or abet prostitution, lewdness, or assignation by any means. Whoever violates this section shall be imprisoned not more than one year, for a second or subsequent offense within the period of one year such person shall be imprisoned not less than one nor more than three years. In case of a commitment to a reformatory the adult parole authority created by section 5149.02 of the Revised Code may discharge or place on parole such person after the minimum term or any part thereof has been served, and may return to said reformatory for the balance of the maximum term any person who violates the conditions of the parole. As used in this section "parole" has the meaning it has under section 2967.01 of the Revised Code.
2905.28	MEDICAL EXAMINATION. Any person charged with a violation of section 2905.27 of the Revised Code, shall, upon the order of the court of common pleas, be subjected to examination to determine if such person is infected with a venereal disease. Such examination shall be made by the physician employed to render medical service to persons confined or detained by the municipal corporation or county, or by some physician designated by the court or by the board of health of a city or of a general health district to make such examination. Any such person found to have a venereal disease in the infective stage shall receive medical treatment therefor and shall

STEPS	KEY POINTS
2905.28 (CONT)	pay for such treatment, if able to do so. If such person is not able to pay, such medical treatment shall be at the expense of the municipal corporation or county. No person charged with a violation of such section shall be discharged from custody, paroled, or placed on probation if he has a venereal disease in an infective stage unless the court is assured that such person will continue medical treatment until cured or rendered noninfectious. No girl or woman who is convicted under sections 2905.26 to 2905.29, inclusive, of the Revised Code shall be placed on probation or on parole in the care or charge of any person except a woman probation officer. As used in this section "parole" has the meaning that it has under section 2967.01 of the Revised Code.
2905.29	PRIOR CONVICTION AND TESTIMONY; ADMISSIBLE EVIDENCE. In the trial of any person, charged with a violation of section 2905.27 of the Revised Code, testimony of a prior conviction, or testimony concerning the reputation of any place, structure, or building and of the persons who reside in or frequent the same and of the defendant are admissible in support of the charge.
2905.30	INDECENT EXPOSURE; SOLICITATION OF ACT OF SEX PREVERSION. No person eighteen years of age or over shall willfully make an indecent exposure of his person in a public place or in a place where there are other persons to be offended or annoyed thereby. No person shall solicit or attempt to solicit another to engage in an act of sex perversion. A person convicted of violating this section may be referred by the court for an examination as provided in sections 2947.25 to 2947.28, inclusive, of the Revised Code, before sentence is pronounced.

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.30 (CONT)	Whoever violates this section shall be fined not more than five hundred dollars and imprisoned in the county jail not more than six months.
2905.31	NUDISM. No person eighteen years of age or over shall willfully expose his or her private parts in the presence of two or more persons of the opposite sex, or aid or abet any such act, or procure another so to expose his or her private parts, or as owner, manager, lessee, director, promoter, or agent, or in any other capacity knowingly hire, lease, or permit the land, building, or premises of which he is owner or lessor, lessee, or tenant, or over which he has control, to be used for any such purposes. Whoever violates this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both. This section does not apply to persons exposing themselves to persons administering bona fide nursing care, nor to such persons exposing themselves to persons licensed under the laws of this state to administer diagnostic, surgical, or therapeutic services or to others rendering any of such services in case of emergency, nor to the members of a family among themselves, nor to persons bona fide posing for art purposes or exposing themselves for examination or observation in connection with scientific research and study, when such is the sole purpose of such exposure. As used in this section, "private parts" means the external genitalia of the human body.
2905.32	SELLING OR GIVING AWAY DRUGS FOR ABORTION OR MISCARRIAGE. No person shall sell, give away, or keep for sale or gratuitous distribution a secret drug or nostrum purporting to be exclusively for the use of females for procuring abortion or miscarriage.

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.32 (CONT)	Whoever violates this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.
2905.33	ADVERTISING SECRET DRUGS. No person shall print or publish an advertisement of a secret drug or nostrum purporting to be for the exclusive use of females, or which cautions females against its use when in a pregnant condition, or publish an account or description of a drug, medicine, instrument, or apparatus for procuring an abortion or miscarriage, or keep for sale or gratuitous distribution a newspaper, circular, pamphlet, or book containing such advertisement, account, or description. Whoever violates this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.
2905.34	SELLING, EXHIBITING, AND POSSESSING OBSCENE LITERATURE OR DRUGS, FOR CRIMINAL PURPOSES. No person shall knowingly sell, lend, give away, exhibit, or offer to sell, lend, give away, or exhibit, or publish or offer to publish or have in his possession or under his control an obscene, lewd, or lascivious book, magazine, pamphlet, paper, writing, advertisement, circular, print, picture, photograph, motion picture film, or book, pamphlet, paper, magazine not wholly obscene but containing lewd or lascivious articles, advertisements, photographs, or drawing, representation, figure, image, cast, instrument, or article of an indecent or immoral nature, or a drug, medicine, article, or thing intended for causing an abortion, or advertise any of them for sale, or write, print, or cause to be written or printed a card, book, pamphlet, advertisement, or notice giving information when, where, how, of whom, or by what means any of such articles or things can be purchased or obtained, or manufacture,

STEPS	KEY POINTS
2905.34 (CONT)	draw, print, or make such articles or things, or sell, give away, or show to a minor, a book, pamphlet, magazine, newspaper, story paper, or other paper devoted to the publication, or principally made up, of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust, or crime, or exhibit upon a street or highway or in a place which may be within the view of a minor, any of such books, papers, magazines, or pictures. Whoever violates this section shall be fined not less than two hundred not more than two thousand dollars or imprisoned not less than one not more than seven years, or both.
2905.35	SEARCH WARRANTS; DISPOSITION OF PROPERTY SEIZED. A magistrate, or a judge of any court having jurisdiction in that county, when a building, house, structure, or place or any part or portion thereof to be searched is situated in a township or municipal corporation having no magistrate, shall issue warrants to search such house or place, upon the complaint that any person within his jurisdiction is violating section 2905.33 or 2905.34 of the Revised Code, supported by oath or affirmation, directed to the sheriff or to any constable, marshal, or police officer within the county, directing him to search for, seize, and take possession of any of the articles specified in section 2905.33 or 2905.34 of the Revised Code, in the possession of the person against whom complaint is made. The magistrate shall immediately transmit every article seized by virtue of the warrant, to the prosecuting attorney, who shall, upon conviction of the person from whose possession the same was taken, cause it to be destroyed, and the fact of such destruction to be entered upon the records of the court in which the conviction is had.

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.36	SENDING OBSCENE LITERATURE BY MAIL. No person shall deposit in a post office, or place in charge of a person to be carried or conveyed, any of the obscene, lewd, indecent, or lascivious articles or things named in section 2905.34 of the Revised Code, or a circular, handbill, card, advertisement, book, pamphlet, or notice of the kind specified in said section, or give oral information where, how, or of whom such obscene, lewd, indecent, or lascivious articles or things can be purchased or obtained or knowingly receive any of them with intent to carry or convey, or knowingly carry or convey them, except in the United States mail. Whoever violates this section shall be fined not less than fifty nor more than one thousand dollars or imprisoned not more than one year, or both.
2905.37	LEGITIMATE PUBLICATIONS NOT OBSCENE. Sections 2905.33 to 2905.36, inclusive, of the Revised Code do not affect teaching in regularly chartered medical colleges, the publication of standard medical books, or regular practitioners of medicine or druggists in their legitimate business, nor do they affect the publication and distribution of bona fide works of art. No articles specified in sections 2905.33, 2905.34, and 2905.36 of the Revised Code shall be considered a work of art unless such article is made, published, and distributed by a bona fide association of artists or an association for the advancement of art whose demonstrated purpose does not contravene sections 2905.06 to 2905.44, inclusive, of the Revised Code, and which is not organized for profit.

STEPS	KEY POINTS
2905.38	DELIVERING OR DEPOSITING IMMORAL LITERATURE. No person shall leave or place or cause to be left or placed upon the doorstep or premises owned or occupied by another, or deliver or mail to a child under sixteen years of age, printed or written matter advertising or mentioning therein a drug, nostrum, receipt, or method of treatment for venereal diseases or referring to a method of treatment purporting to restore procreative organs injured by immoral practices. Whoever violates this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty nor more than one hundred days, or both, for each offense.
2905.39	PRINTING OR POSTING IMMORAL PICTURES. No person shall make or print in or upon his premises, or post, publish, or exhibit in or upon a building, billboard, bridge, or fence where it can be publicly seen, a picture or figure that is lascivious, indecent, immoral, or impure, or which represents crime or lust, or tends to corrupt morals, or permit such an act to be done by another in or upon his premises, building, billboard, bridge, or fence. Whoever violates this section shall be fined not less than fifty nor more than five hundred dollars for a first offense; for each subsequent offense, in addition to such fine, such person shall be imprisoned not less than thirty days not more than six months. This section does not apply to the printing and publication in book or magazine form of illustrations for scientific purposes.
2905.40	GIVING IMMORAL EXHIBITION. No person shall give a public or private exhibition of a lascivious, indecent, immoral, or impure nature or an exhibition tending to corrupt morals, or own, operate, or permit another to operate on his premises, a phonograph or other device giving forth profane, indecent, immoral, or impure

STEPS	KEY POINTS
2905.40 (CONT)	language, or own, operate, or permit another to operate on his premises, a phonograph or other device giving forth profane, indecent, immoral, or impure language, or own, operate, or permit another to operate on his premises, a picture machine or other device exhibiting a lascivious, indecent, immoral, or impure picture or figure or a picture of crime or lust, or a picture tending to corrupt morals. Whoever violates this section shall be fined not less than fifty nor more than five hundred dollars for a first offense; for each subsequent offense, in addition to such fine, such person shall be imprisoned not less than thirty days nor more than six months.
2905.41	EXHIBITING LEWD PICTURES IN SALOON. No person shall exhibit or permit to be exhibited, in or in connection with a place where intoxicating liquors are sold as a beverage, a lewd, lascivious, or improper picture or device. Whoever violates this section shall be fined not less than twenty-five not more than one hundred dollars or imprisoned not more than thirty days, or both.
2905.42	ENTICING MARRIED WOMAN TO JOIN CERTAIN SECTS. No person, with intent to cause a husband or wife to renounce the marriage covenant, or either of them to abandon the other or their children, shall entice or persuade a husband or wife to join a sect or denomination, the principles and practices of which inculcate a renunciation of the matrimonial contract or tend to such abandonment, contrary to the intent and meaning of the marriage institution. Whoever violates this section shall be fined not more than five hundred dollars. This section does not extend to a person delivering a public sermon, exhortation, or address.

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS	KEY POINTS
2905.43	BIGAMY. No person, having a husband or wife living, shall marry another person or continue to cohabit with such other person in the state of Ohio. Whoever violates this section is guilty of bigamy, and shall be imprisoned not less than one nor more than seven years; provided that nothing contained in this section shall extend to a person whose husband or wife has been continuously absent from such person for five years next preceding such subsequent marriage, and he or she not knowing such husband or wife to be living within that time. Also, nothing in this section shall extend to any person who is at the time of such subsequent marriage, divorced by lawful authority from the bonds of such former marriage, or to any person where the former marriage has been, by lawful authority, declared void.
2905.44	SODOMY. No person shall have carnal copulation with a beast, or in any opening of the body, except sexual parts, with another human being. Whoever violates this section is guilty of sodomy and shall be imprisoned not less than one nor more than twenty years.

Training Procedure No. 27

GAMBLING VIOLATIONS, BOOKMAKING

DEFINITION:

Bookmaking is any arrangement for the taking of bets on football, basketball, baseball, boxing or any other sporting event including the taking of bet on off track horse racing or at race tracks where betting is not licensed by the state.

STEPS	KEY POINTS
1. Handbook Operator	1.1 Usually found around bars, smoke shop, shine parlors, barber shops, hotel, newsstands.
	.2 They receive a percent of all bets placed.
	.3 Customers are usually small bettors.
	.4 Meets bettors face to face.
	.5 Operator keeps record of bets made. (See Appendix No. 61)
	.6 Record may be in notebook or a kind of paper that is available.
	.7 After taking bet he phones it in or takes it in personally.
2. Phone Spots	2.1 Location where wagering is conducted over the telephone.
	.2 Some bets are phoned in direct--usually large bets.
	.3 Handbook operator phones O.K., sometimes bring bets in personally.
	.4 Caller telephones handbook or relay and bet is recorded, then relaid to office.
	.5 Caller phone call back and gives name or code. Information is then relaid to office and office calls back.

Training Procedure No. 27

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
2. Phone Spots (CONT)	2.6	Clerks will be working at relays and office.
	.7	Phone spots should have following equipment: 1. Telephone 2. Pens and/or Pencils 3. Adding Machines 4. Scratch Sheets 5. Markers 6. Black Board, Chalk, etc.
	.8	Hours of Operation - Usually from several hours before eastern tracks open till close of tracks in the West.
3. Service	3.1	Provides the odds on horse races-- or any sporting event also the results immediately.
	.2	Different bookies may have different odds, depending on the service they use.
4. Back Office	4.1	Heart of operation.
	.2	Receives call from all bookies either direct or thru relay spots.
	.3	Keep records and tallies them.

Training Procedure No. 28

BASIC REPORT WRITING

INTRODUCTORY INFORMATION:

Reports written by Law Enforcement Officers provides a record of his activities, observations, and discoveries. Your report should be of greatest value to you, because they reveal your real worth as an officer. The Report will indicate your Education, Training, Experience, Initiative, and Resourcefulness. It will be the basis on which your superior officers can evaluate your performance as an officer.

The report is the method by which an officer communicates his findings and activities to all interested persons. It will provide written permanent reference and record, thus providing a more complete crime picture. It may be used in planning the Law Enforcement budget, deployment of personnel, and keeping the community informed as to the activities of the law enforcement agency.

EQUIPMENT NEEDED:

Notebook, pocket field

Pen, Ball point

Pencil, Mechanical

Departmental Forms

Dictionary

GENERAL SAFETY PRACTICES:

Spell Correctly

Edit All Reports

Training Procedure No. 28

LAW ENFORCEMENT OFFICER TRAINING

STEPS			KEY POINTS
1.	Know your audience	1.1	Who will read report
		.1	Members of Police Department
		.2	Probation Department
		.3	District Attorney's Office
		.4	General Public
		.5	News Media
2.	Make report at proper level	2.1	Make report to appropriate reading level (High School)
		.2	Keep in mind who will read report
3.	Use words that are concrete	3.1	Avoid general statements and abstract words
		.2	Use concrete words
		.1	EXAMPLES:
		.a	Ran
		.b	Limped
		.c	Crawled
		.3	Use words that are related to the five senses (taste-smell-sight-hearing-feel)
		.4	Use words that are common to both you and your reader
4.	Be concise	4.1	Avoid unnecessary words
		.2	Make report detailed
		.3	Edit report
		.1	Eliminate automatic phrasing and wordiness
		.4	Use one word when possible in place of a group of words

Training Procedure No. 28

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	4.5	Avoid unnecessary legal terms
	.6	Eliminate use of following words - hereto, therein, hereby, thereon and the aforesaid
5. Spelling (See Appendix 62)	5.1	Words are made of consonants and vowels
	.1	Vowels are A,E,I,O,U
	.2	All other letters are consonants
	.2	Use basic spelling rules
	.1	Words accented on the last syllable and ending in a single consonant preceded by a vowel - double the final consonant before adding a suffix beginning with a vowel
	.2	If accent shifts when suffix is added, the consonant is not doubled
	.3	Words ending in silent e usually drop the e before adding suffix beginning with a vowel
	.1	Retain the e before a suffix beginning with a consonant
	.4	Words with ei or ie Rule: i before e except after c
	.5	Words ending in y preceded by a consonant forms its plural by changing y to i and adding es
	.6	A noun ending in y preceded by a vowel forms its plural by adding s
6. Abbreviations	6.1	Use only widely accepted abbreviations
	.2	Use abbreviations more freely in identification of criminals, filling in standard forms and directions

	STEPS		KEY POINTS
		6.3	Names and titles
		.4	Dates and places
7.	Sentence construction	7.1	Use short sentences
		.2	Sentences should state facts
		.3	Meaning of the sentence should be clear
		.4	Avoid indirect phrasing
8.	Punctuation	8.1	Learn your punctuation marks
		.2	Use them to clarify sentences
		.3	Know how to use the punctuation marks you use
a.	Use of period (.)	a.1	Use at end of sentences
		.2	Use after abbreviation
		.3	Use after initials
		.4	Use before a decimal
b.	Use of question mark (?)	b.1	Use after a question
		.2	Use after part of a sentence that asks a question
c.	Use of comma	c.1	Use comma to join two independent clauses
		.2	Use comma to set off appositives
		a.	Appositives which are closely related are not set off by commas

	STEPS		KEY POINTS
		8.c.3	Use commas to set off phrases that are used independently
		.4	Use comma to separate two or more coordinates
		.5	Use commas to set off words, phrases, or clauses in series
		.6	Use commas to set off expressions from direct quotations
		.7	Use comma after a statement followed by a short question dependent on it
		.8	Use commas to set off contrasting expressions
		.9	Use commas to set off each item after the first in an address or date
		.10	Use comma after mild interjections
		.11	Use comma before Jr., Sr., titles following a name
		.12	Use comma in numbers, after each group of three digits, counting from right. Exceptions: Serial Numbers, Insurance Policy Numbers
d.	Use of colon (:)	d.1	Use a colon to introduce a list or a summarizing word, phrase or clause
		.2	Use a colon in expressing time to separate hours and minutes
e.	Use of quotation marks (" ")	e.1	Used to enclose all direct quotations
		.2	Use of quotation marks with other punctuation marks
		a.	Use period or comma inside closing quotation marks
f.	Use of semicolon (;)	f.1	Used to separate the clauses of a compound sentence when there is no connective
9.	Paragraph Construction	9.1	Use short paragraphs

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		9.2	Make the meaning of each paragraph complete.
		.3	Keep your readers attention.
		.4	Follow a series of events in the order in which they happen.
10.	Editing Report	10.1	First Reading: Check content of report for - who - what - why - when - where - how a. Sound Reasoning b. Facts c. Sufficient Information d. Do facts need interpretation
		.2	Second reading check report for a. Clearly stated b. Logical stages c. Stages connected
		.3	Third reading check report for a. Sentence construction b. Paragraphing c. Spelling d. Proper punctuation
11.	Field Note Taking	11.1	Use pocket size notebook (See Appendix 63)
		.2	Make notes accurate including: a. Correct time and date b. Correct names of all persons involved. c. Complete and correct address of all persons involved. d. Describe crime scene exactly e. Description of property and any vehicles involved f. Case number or arrest number
12.	Arrange notebook	12.1	Alphabetically
		.2	Inserting departmental forms for guide
		.3	So notes can be found rapidly

Training Procedure No. 29

LINE-UPS, HOW TO HANDLE

INTRODUCTORY INFORMATION:

The Law Enforcement "Line-Up" is a method of securing identification from a witness. There are inherent dangers in the "Line-Up". One is the legal or admissable facet another is the reliability of the witness.

The way the "Line-Up" is conducted is critical to its admissability in a court trial. The method is governed by legal precedents as set forth by the Supreme Court of the United States. The human factor, reliability of the witness, present the margin of error possibility. As most Law Enforcement Officers know, "the eye of the beholder", is often times wrong.

Once the Line-Up is properly set-up and the reliability of the witness substantiated the Line-Up is then a valuable part of the chain of evidence in the court trial. Unfortunately, in most cases, eyewitness identification should be considered little more than an investigative lead.

EQUIPMENT NEEDED:

Room of adequate size to accommodate Line-Up

Camera

GENERAL SAFETY PRACTICES:

Keep witness safe

Make certain witness understands what you want from him or her

Training Procedure No. 29

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
1.	Select Room	1.1	Adequate size for accommodating several people
		.2	With security for the witness
		.3	Lighted so as to prevent suspect from viewing witness
		.4	Avoiding height chart as a back-drop
		.5	Away from access by public or any unauthorized persons
2.	Form Line-Up	2.1	Select persons of similar characteristics, age - color - physical appearance
		.2	Using more than 3 persons
		.3	Explaining to all of them "What is being done"
		.4	Also using persons other than suspects in jail
		.5	Requesting assistance of prosecutor in making certain "Legality" is established
		.6	Taking photograph of "Line-Up"
		.7	Recording names and pertinent information about persons in Line-Up
3.	Advise Witness	3.1	The procedure you are using
		.2	From what position to view the Line-Up
		.3	Cautioning witness about making statements in presence of Line-Up
		.4	Avoiding the coaching of witness
		.5	Requesting that witness make statements at appropriate time and place
		.6	Refraining from any discussion which is suggestive of the suspect
4.	Conclude Line-Up	4.1	Dismissing Line-Up as soon as practical
		.2	Make out reports
		.3	Record statement of witness
		.4	Thank witness and/or other persons for their cooperation
		.5	Submit reports and statements to proper authority

Training Procedure No. 30

CONFIDENTIAL INFORMANTS

INTRODUCTORY INFORMATION:

The law enforcement officers primary responsibility is the prevention of crime. In order to perform this responsibility, the officer should develop informants. A good informant will provide the officer with a wealth of law enforcement information that can help in the solution of a crime or its prevention.

When an officer fulfills his obligation of preventing and solving crimes, he is bound to gain the respect of his superior officers and the public.

EQUIPMENT NEEDED:

Notebook
Ball Point Pen
Mechanical Pencil

GENERAL SAFETY PRACTICES

Be constantly alert
Be calm
Be sure you understand and are understood

	STEPS		KEY POINTS
1.	Need for Informant	1.1	In small area you may not need an informant
		.2	Large cities, there is a definite need
		.3	Informants furnishes leads
		.1	To local law enforcement
		.2	To criminal activities that are about to happen
		.3	About crimes that have already been committed
		.4	Law Enforcement officer is limited in his investigative efforts
		.5	Good informants can furnish information on, stolen goods, hold-ups, narcotics, etc.
		.6	Criminal informant can break moral of criminal element in your community

Training Procedure No. 30

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
2.	Finding Informants	2.1	Persons actually in the rackets
		.2	Those associated with criminal element
		.3	Bartenders, bar maids, taxi cab drivers, fences, pawn shop brokers, hotel and motel maids, parolees, etc.
3.	Development Of Confidental Informant	3.1	Law Enforcement Officers own thinking
		.2	Constant change over
		.3	Officer will find most informants on routine calls
		.4	Determine informants accessability to information
		.5	No set rules for culivating informants
		.6	First contact should be made in a neutral place
		.1	Where identify of informant is not known
		.2	Assure informant his identity will be protected to the best of your ability
		.3	Emphasize this is for his protection
		.7	Stay away from return the favor type and paid informants when possible
		.8	Earn the respect of the informant
		.9	Several contacts may be necessary
		.10	Recording data about informants on personalities form (See Appendix 11)
4.	Use Of Informants	4.1	For benefit of your department
		.2	Chief of Police or Sheriff should be aware of your informants

Training Procedure No. 31

PRISONER BOOKING AND HANDLING

INTRODUCTORY INFORMATION:

The initial procedure of handling and booking an arrestee is a critical one. Often times we read or hear about the arrestee who after allegedly being searched uses a weapon he concealed on his body to kill an officer or escape or both.

The procedure is also critical because it becomes a part of the records system of a department. Without a booking and handling procedure the custodial phase of law enforcement would be a comedy of errors.

It is at the time of the booking that the arrestee is or can be highly emotional. Emotions such as belligerence, hate and fright are commonplace and, therefore, makes tact and caution imperative in handling the arrestee.

EQUIPMENT NEEDED:

Arrestee Record Card
Property Tags and Envelopes
Handcuffs

GENERAL SAFETY PRACTICES:

Be constantly alert to prevent attack
Conduct thorough search for weapons and/or evidence

STEPS		KEY POINTS	
1.a.	Search Arrestee (Male)	1.a.1	In presence of custodial officer
		.2	Having arrestee assume spread eagle position against vertical surface
		.1	If handcuffed place head against wall
		.3	Isolating arrestee
		.1	Away from people
		.2	Away from avenues of escape
		.4	Methodically from head to toes
		.5	Using grasping motion of hand on garment and body
		.6	Feeling for objects
		.7	Noting any peculiarities of garments

Training Procedure No. 31

LAW ENFORCEMENT OFFICER TRAINING

	STEPS		KEY POINTS
		1.a.8	Removing all property
		.9	Giving property to custodial officer
		.10	Requesting assistance if necessary
1.b.	(Female) (See Appendix 56)	b.1	Using female officer or trusted adult woman for females as a witness or searcher
		.2	Providing security for female searcher
		.3	Advising female searcher of where and how to search
2.	Process Arrestee For Confinement	2.1	Having necessary commitment documents except for on view arrest
		.2	Supplying necessary information or typing out record forms
		.3	Having arrestee sign for personal property removed
		.4	Tagging all property as appropriate
		.5	Listing all property
		.6	Allowing use of telephone by arrestee to contact relative or counsel
		.7	Fingerprinting and photographing arrestee
3.	Confine Arrestee	3.1	Removing to jail proper
		.2	Isolating in room or cell to conduct strip search before assignment to cell
		.3	Removing handcuffs
		.4	Observing arrestee while stripping
		.5	Removing, searching and tagging all articles
		.6	Having arrestee shower or bathe before assignment to cell
		.7	Observing arrestee for any medical problem: skin rash - infection - open sores - coughing - etc.

LAW ENFORCEMENT OFFICER TRAINING

STEPS		KEY POINTS
	3.8	Issueing jail uniform and jail regulations
	.9	Segregating such arrestees as, escape artist, medical problems, drug addicts, etc.

Training Procedure No. 32

THE CRIMINAL JUSTICE SYSTEM

INTRODUCTION:

Our system of jurisprudence is unique in the world. Law enforcement is but one arm of the system. The function of law enforcement is that of detection and apprehension of criminals and as witness in the court trial phase of the system. The system is comprised of law enforcement, prosecution, defense, and judgement. Each phase is critical to the system. Without anyone the system could not exist. By this method we assure ourselves, to a degree, that we are innocent until proven and judged guilty. This is democracy in action.

To law enforcement officers justice is an everyday word, but it is confused with what is customarily expected or what is legislatively mandated. Justice means many things to different people. The law enforcement officer frame of reference is that of justice as administered in a court of law by a jury of peers or judges. As long as the officer maintains this frame of reference, he will not encroach upon the other phases of the criminal justice system.

Training Procedure No. 32

THE CRIMINAL JUSTICE SYSTEM

TIME ALLOTTED: 4 hours

Discuss each of the courts identified in the lesson units. Point out their particular jurisdiction, venue and functions.

Training Procedure No. 32

LAW ENFORCEMENT OFFICER TRAINING

OBJECTIVES:

1. To indoctrinate the officer with proper methodology in our system of jurisprudence.
2. To familiarize the officer with the various courts and their jurisdiction.

Ref. Source: "Black's Law Dictionary"

Pub. West

"The General Administration of Criminal Justice" Leonard & More
Pub. Foundation Press-Chapters 9-10

"Baldwins Ohio Criminal Law"
Pub. Banks - Baldwin - Outlines of Criminal Procedure pp 1-6

I. HISTORY:

- A. Foundation in English Law
  - 1. Magna Charta
- B. U.S. Constitution
  - 1. Article III, Section 1

II. ORGANIZATION OF FEDERAL COURTS

- A. The Supreme Court
  - 1. Function
  - 2. Jurisdiction
- B. U. S. Court of Appeals
  - 1. Function
  - 2. Jurisdiction

THE CRIMINAL JUSTICE SYSTEM

C. U.S. District Courts
   1. Function
   2. Jurisdiction

D. Special Courts
   1. U.S. Court of Claims
      a. Function
      b. Jurisdiction
   2. U.S. Court of Customs and Patent Appeals
      a. Function
      b. Jurisdiction
   3. U.S. Customs Court
      a. Function
      b. Jurisdiction
   4. Territorial Courts
      a. Function
      b. Jurisdiction
   5. U.S. Court of Military Appeals
      a. Function
      b. Jurisdiction

III. ORGANIZATION OF STATE COURTS

A. Courts of Last Resort (Supreme Court - Ohio)
      a. Function
      b. Jurisdiction

B. Court of Common Pleas
   a. Function
   b. Jurisdiction

C. Municipal Courts
   a. Function
   b. Jurisdiction

D. County Courts
   a. Function
   b. Jurisdiction

E. Mayors Courts
   a. Function
   b. Jurisdiction

F. Juvenile Court
   a. Function
   b. Jurisdiction

G. Probate Court
   a. Function
   b. Jurisdiction

Training Procedure No. 33

LAW ENFORCEMENT OFFICER TRAINING

JUVENILES, HANDLING

TIME ALLOTTED: 6 hrs.

INTRODUCTORY INFORMATION:

Today, more than ever, the law enforcement officer is confronted by problems which involve a segment of the population under the age of eighteen. These problems will vary in more ways than adult problems. They include not only all the offenses adults may be charged with, but also the laws pertaining to the delinquency of the individual under the age of eighteen.

To know juvenile laws and procedures as to arrest, detention, parental release, in custody interrogation, consitutional questions, identification and record techniques is a necessity for all law enforcement officers.

Everyone appears to have a different definition of deliquency, what it means and how to handle it. If we are to have a sound basis for handling the juvenile offender, we first need to examine and determine what juvenile deliquency really is. This in effect is the objective of the following lesson unit.

What Is Juvenile Delinquency?

The obvious and most popular view of delinquency is quite vague. The term delinquency has different meanings to different people. It covers a variety of behaviors of persons under 18 and includes environmental situations which include mischievous activities and wanderings of under-supervised children, association with organized gangs, violation of school rules, disregard for authority, any conduct that is distasteful or offensive or irritating to adults; and any other acts that violate the laws or moral standards of the community.

A school teacher recently commented that almost half the pupils in her class were delinquent. She described them as disobedient in class, unmanageable, they smoked in the restrooms, even have liquor in their lockers and they are truant from home and school. One school principal reported that if a boy misbehaved in school he calls for the police to send an officer.

One elderly lady called the police because "those delinquent kids are out playing volleyball in the alley behind my house, and the banging of that ball and the yelling of the kids is driving me bats." This generally comprises the popular view of delinquency. The legal concept of delinquency is something quite different.

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LAW ENFORCEMENT OFFICER TRAINING

Section 2151.02 of the Ohio Law defines a delinquent as any person who violates any law of the state, or the United States, or any ordinance or regulation of a subdivision of the state which would be a crime if committed by an adult except that of a traffic violation, and (B) who have violated any orders of the Court made pursuant to the provisions of Chapter 2151 of the Ohio Revised Code. This is a very narrow definition which has been statutorily assigned to the neighborhood delinquent child and is quite different from the popular point of view.

Delinquency must be proved under the same rules for proof as though the youth had been charged as an adult criminal. It should be very obvious to you then that the popular belief about the concept of delinquency differs a great deal from the statutory definition.

The legislature, at its last session, created a new category for youth offenses which are unlawful for children alone. In section 2151.022 they defined an unruly child, and brought within it every act which a person under the age of 18 might do when it is only illegal for the person under the age of 18.

For instance Section A says that an unruly child is one that does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;

B. Who is a habitual truant from home or school;

C. Who so deports himself as to injure or endanger the health or morals of himself or others;

D. Attempts to enter the marriage relationship in any state without consent of parents, custodian, legal guardian, or legal authority;

E. Is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with criminals, notorious, or immoral persons;

F. Who engage in occupations prohibited by law, or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others.

G. Who has committed a law violation which is applicable only to a child, by terms of definition means a person under the age of 18.

All of this brings to mind the question, "What direction should we take in forming a practical working concept of delinquency." The basic concept of the legal status of juvenile delinquency exists on the belief and fact that most children are not emotionally or intelligently mature enough to be totally responsible for their conduct, and that direction, correction and treatment were necessary rather than specific punishment.

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JUVENILES, HANDLING

The delinquent child incurrs no criminal record and the record of the Juvenile Court or any police record with regard to arrest, and not to be considered nor generally made public.

Apparently, however, the public over the years has come to attach the delinquency tag which intended to be protective, to the same stigma that society attaches to the criminal.

Some people shrink from using the word delinquency. Even the word "Juvenile" has come to have an impertinent meaning for young and old alike. The juvenile delinquency will not disappear because we avoid the words or use substitutes for it. Youthful misbehavior is a fact we must face and wishful thinking will not eliminate it, and only a realistic endeavor and cooperative effort on the part of law enforcement, schools, churches, parents and Courts and help prevent and control. The intent of the Juvenile Court law tends to give us a clue from which we can frame a picture and working concept of delinquency.

Section 2151.01 of the revised code says that the purpose is to provide care, protection and mental and physical development of children coming within the provision of Chapter 2151, and (2) Consistent with the protection of public interest to remove the consequences of criminal behavior and from children committing delinquent acts the taint of criminality and to substitute, therefore, a program of supervision, care and rehabilitation; and to achieve these purposes this section of the law says that whenever possible this should be done within a family environment, and separating a child from his parents only when necessary for his welfare or in the interests of public safety; and to provide a judicial procedure through which provisions of the Juvenile Court are executed and enforced, in which the parties are assured of a fair hearing with the constitutional and other legal rights recognized and enforced.

Juvenile Court laws seek to protect both the community and the child. They seek to protect the community against the acts by a child that would be considered a felony or misdemeanor if committed by adults. They seek to provide corrective treatment for children who commit such acts. They seek also to correct misbehavior like truancy, or running away, or staying out late at night that is detrimental to the child's development and may lead to more serious offenses if not corrected. Some of them seek to protect children from associations and involvements that tend to foster misconduct and anti-social behavior.

Delinquency, then is a term covering a wide range of social illnesses and social disorders in children and in their environment that require treatment and correction for the sake of the child and society. For the purposes of prevention and control of delinquency we could then regard it as personal-social maladjustment which leads children to commit acts which are legally prohibited, and acts which may lead them to a criminal career if uncorrected. The delinquent child and the child vulnerable to delinquency are in need of special help, protection and treatment.

LAW ENFORCEMENT OFFICER TRAINING

More important than the definition of delinquency is our attitude toward it. If we view juvenile misbehavior as a crime for which adults must "crack down" on children, then there will be little or no progress toward prevention and control. If on the other hand, we recognize it for what it is, a social maladjustment problem requiring study, understanding, and informed intelligent action, then there will be hope of decreasing the upswing in youthful misbehavior.

There is much publicity and comment by many people as to what causes delinquency, and if you ask 10 people what causes delinquency you will find that they will enevitably attempt to pin delinquency on a single hook such as the slums, poverty, broken homes, on faulty parent-child relations, low intelligence, heredity, poor schools, culture conflict, lack of recreation facilities, comic books, motion pictures, TV programs and others.

Certainly no one would deny that any of these things may play an important part in producing or precipitating delinquency. The point is that no one of them necessarily or inevitable results in delinquency.

Laymen and the experts alike are almost in complete agreement that the family is of primary and paramount importance in preventing or provoking delinquency. Over and over again the researchers report that no child is born delinquent, and certainly it is true that every infant who is born is a potential delinquent. No child is born with a sense of right or wrong. They are born with urges and drives which they must learn to control if they are to become acceptable members of our society. The child's love for his parents leads him to imitate their conduct and to accept their standards as his own. The affection and approval of his parents enable the child to accept restraints on his conduct and frustrations of his desires. But if love breaks down then the basic fundamental, the chief means of "socializing", is lacking for the child.

Love is not enough, however, the child must learn a set of values and a set of standards, and parents must exert steady and reasonable demands to meet the set of standards of conduct, and these must be reinforced with firm and consistent discipline, and obviously the standards must be appropriate to the child's capacity and his state of development. Unrealistic standards and overstrictness can be productive of misbehavior and maladjustment as well as lack of standards and lax or erratic discipline.

Few delinquents have had a secure relationship with both parents or experienced firm or consistent discipline, or had a stable harmonious life. Not all children who come from defective or broken homes, or suffer from wrong handling become delinquent. Indeed, the vast majority do not. One of the miracles of human life is the strength and persistence of a child's effort, unconscious though it is, toward healthy and normal growth and development.

The same family that nurtures a delinquent may also produce non-delinquents. The explanation to this seems to lie in the uniqueness of each child's personality and the uniqueness of his environment which includes not only his parents but also his neighborhood, his school, his teachers, his playmates, his adult friends and the many other influences to which he is exposed to in his reading, visualizing and recreation. In reality we are finding that every person is entirely different.

You may well ask, "Is this Judge's point of view, or is this some high flying psychiatrist's point of view"? Not necessarily is the real answer. It appears more to be a composite of a number of views which have been arrived at by lengthy research and study of quite a number of areas.

In Montana one Judge suggested that the philosophy of the iron fist is the only way to control the delinquency. He pre-announced that he would "sock it to" every kid who came before him. He recited this as the cure-all, and pointed out that his research study showed a steady decrease since he had been undertaking this procedure. A research organization operating under a delinquency study grant of the National Council on Crime and Delinquency conducted their own study of this procedure. They found, in fact, there had been much more delinquency and a higher level of youthful criminal activity, and they gave as their opinion for this higher level of illegal behavior that the youth themselves were feeling that they had been unfairly dealt with, and they were attempting to get back at the society who had dealt them such a harsh blow. They felt this was rather hypocritical since the adult offenders were being treated less harshly.

It is a fact not only in Montana but everywhere in our country that where a youthful offender is treated harshly, it precipitates a more violent reaction which is translated into further misdeeds against society. A perfect example of this in Ohio is that 85% of the youth who serve a term at Fairfield School for Boys are back in trouble again within a relatively short time.

JUVENILES

I. In re Gault (387 U.S. 1; 87 S.Ct. 1482; 1967).

   A. Holds that due process clause of U.S. Constitution is applicable to Juvenile Court proceedings.
      1. Notice to child and parents or guardian.
      2. Notification to child and parents of right to counsel (and appointment of counsel if indigent).
      3. Privilege against self-incrimination (5th Amendment, U.S. Constitution) is applicable to juveniles.
      4. Absent a valid confession, juvenile is entitled to confrontation of witnesses and testimony from sworn witnesses.

LAW ENFORCEMENT OFFICER TRAINING

II. Ohio Juvenile Court Act

A. Purpose of Act (RC 2151.01).
   1. Care, protection and development of children.
   2. Protection of public interest and rehabilitation of delinquents.
   3. To achieve the foregoing in a family atmosphere whenever possible.
   4. To provide judicial procedures to enforce Juvenile Court Act and protect constitutional rights of the parties.

B. Child is person under 18 years of age. (RC 2151.011).
   1. A person who violates a law prior to age 18 is subject to Juvenile Court Act regardless of age when case is heard (RC 2151.011 (B) (1).

C. Delinquent Child (RC 2151.02).
   1. Child who violates a law which would be a crime if committed by an adult, except traffic law.

D. Juvenile Traffic Offender (RC 2151.021).
   1. Child who violates a traffic law.

E. Unruly Child (RC 2151.022).
   1. Child who is wayward and habitually disobedient.
   2. Child who is habitual truant from home or school.
   3. Child who so acts that he endangers his own health and morals, or those of others.
   4. Child who attempts marriage without proper consent.
   5. Child who is found in a disreputable or unlawful place, or who associates with improper persons.
   6. Child who engages in prohibited occupation, or who is in a situation dangerous to life, limb, or health of himself or others.
   7. Child who has violated a law applicable only to children.

F. Neglected Child (RC 2151.03).
   1. Child who is abandoned by parents.
   2. Child who lacks proper care because of faults or habits of parents, guardian, or custodian.
   3. Child who is not provided with necessary or proper subsistance, education, medical or surgical care, or other care necessary for his health, morals, or well being.
   4. Child with defective mental condition who is not provided necessary special care.
   5. Child who is placed or who is attempted to be placed in violation of law.
   6. Exception for treatment through prayer by certain religious groups.

JUVENILES

G. Dependent Child (RC 2151.04).
  1. Child who is homeless or destitute or without proper care, without fault of parent or custodian.
  2. Child who lacks proper care or support because of mental or physical condition of parents or custodian.
  3. Child whose condition or environment requires the state, for the interests of the child, to assume his guardianship.

H. Juvenile Court (RC 2151.07).
  1. Court of Record.
  2. Within Division of Probate of The Court of Common Pleas.
  3. Child is within jurisdiction of court if the parent, guardian or custodian has a legal residence or settlement within the jurisdiction of the Court (RC 2151.06).

I. Jurisdiction of Court (RC 2151.23).
  1. Exclusive, original jurisdiction:
    a.) Of child, who on date stated in complaint was a juvenile traffic offender, unruly, neglected, dependent, or delinquent.

    b.) To determine custody of a child who is not a ward of another Court of this State.
    c.) In habeas corpus cases involving custody of a child.
    d.) In adoption proceedings.
    e.) In cases involving mentally ill or retarded children.
    f.) In cases involving adults who violate any provisions of Chapter 2151, Ohio Revised Code.
    g.) In cases involving interstate compact on juveniles.
    h.) To determine applications for consent to marry as required by RC 3101.04.
  2. Original jurisdiction:
    a.) Misdemeanors involving adults charged with crimes with respect to a child.
    b.) Paternity suits (RC Chapter 3111).
    c.) Uniform support of dependents act (RC Chapter 3115).
  3. Certification of case from Court of Common Pleas:
    a.) Involving care and custody, or support.
    b.) Consent of juvenile judge required.

J. Arrest of Child (RC 2151.25).
  1. Proceedings shall be according to Juvenile Court Act (RC Chapter 2151).

K. Transfer of cases of child charged with felony (RC 2151.26).
  1. If complaint was filed charging child with act which would be a felony if committed by an adult, case may be transferred to appropriate Court if the Juvenile Judge finds:
    a.) The child was over 15 years of age.
    b.) There is probable cause to believe him guilty of the act.

      c.) Physical and mental examinations shows:
         1.) Child is not mentally retarded or mentally ill.
         2.) Child cannot be rehabilitated as a delinquent child.
         3.) Safety of community requires legal restraint.
   2. Notice of hearing required.

L. Complaint (RC 2151.27).
   1. Can be filed by any having knowledge of facts, or
   2. Can be filed on information and belief.
   3. Particular facts must be set forth in complaint.
   4. If complaint filed after child is 18, but offense committed before child is 18, proceedings are under Juvenile Court Act.
   5. If permanent custody is requested in neglect or dependency case, permanent custody shall be prayed for in petition.

M. Transfer of cases to county of child's residence (RC 2151.271).

N. Hearing--Who shall be summoned (RC 2951.28).
   1. If child in detention, hearing shall be within 10 days after filing complaint.
      a.) Parents, child, custodian, or other persons may be summoned.

O. Custody of child (RC 2151.31).
   1. Child may be taken into custody:
      a.) Pursuant to laws of arrest.
      b.) When child not receiving proper care or is in danger.
      c.) Run aways.
      d.) Pursuant to order of Juvenile Court.
   2. Child shall not be detained prior to hearing on complaint unless his interests or the community's interests require it.
   3. Child taken into custody shall:
      a.) Release child to parents, or
      b.) Take child to place of detention or shelter care designated by Court and give written notice of fact and reason to parents or custodian and to the Court (RC 2151.311).
      c.) If child not produced by parent or custodian, warrant for child can be issued.

P. Dentention of Child (RC 2151.312).
   1. Delinquent, unruly, or juvenile traffic offender children to be detained only in:
      a.) Certified foster home or court-approved home.
      b.) Facility of certified child welfare agency.
      c.) Detention home or center.
      d.) Any other suitable place designated by Court.
         1.) Child to be detained in separate quarters at jail only if detention home not available.
         2.) Jail official to notify Court when person under 18 is received.

e.) Neglected or dependent child shall not be placed in jail unless on order of Court.

Q. Fingerprinting Child (RC 2151.313).
1. Only on order of Court unless felony charge involved.
2. Fingerprints to be delivered to Court when not needed any longer.
3. Provision for destruction of fingerprint records.

R. Detention Investigation (RC 2151.314).
1. When child brought to place of detention, investigation shall be made and child released unless he is detained under RC 2151.31.
2. If child not released, complaint shall be filed and informal detention hearing held within 72 hours after child is placed in detention.

S. Places of detention for children (RC 2151.34).
1. "No child under eighteen years of age shall be placed in or committed to any prison, jail, or lockup, nor shall such child be brought into any police station, vehicle, or other place where such child can come in contact or communication with any adult convicted of crime or under arrest and charged with crime."

T. Record of hearing (RC 2151.35).
1. Informal hearings authorized.
2. Clear and convincing evidence required.
3. Records of hearing to be made on request.

U. Counsel for indigent children and parents (RC 2151.351; 2151.352).
1. Child, parents, etc. entitled to court-appointed counsel if indigent.
2. Right to counsel must be explained.

V. Disposition of neglected or dependent child (RC 2151.353).
1. May remain with parents, subject to court control.
2. May commit to temporary custody of Department of Public Welfare.
3. May commit child to temporary custody of institution or agency which can give care child requires.
4. May commit child to permanent custody of proper agency.
   a.) Prayer in complaint and summons must refer to permanent custody request.

W. Disposition of unruly child (RC 2151.354).
1. Dispositions authorized by RC 2151.353.
2. Probation.
3. Suspension of driving privileges.
4. Disposition as per RC 2151.355.

X. Disposition of delinquent child (RC 2151.355).
1. Dispositions authorized by RC 2151.353.
2. Probation.

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3. Temporary committment to institution for delinquent children.
4. Committment to legal custody of Ohio Youth Commission.
5. Male child over 16 years who has committed a felonious act may be committed to a maximum security institution of the State.
6. Fine not exceeding $50.00.
7. Suspension of driving privileges.
8. Disposition under $. C. 2947.25 if mental defect suspected.
9. Further disposition as the Court finds proper.

Y. Disposition of juvenile traffic offender (RC 2151.356).
   1. Fine not exceeding $50.00.
   2. Suspension of driving privileges.
   3. Revocation of driving privileges.
   4. Probation.
   5. Restitution for damages.
   6. Disposition as per RC 2151.355.

Z. Expungement of record of delinquent or unruly child (RC 2151.358).
   1. Application no sooner than 2 years after termination of Court order or 2 years after discharge from institution.
   2. Notice to prosecutor.
   3. Court may order expungement of record if child rehabilitated.

AA. Control of conduct of parent, guardian, or custodian (RC 2151.359).
   1. Court has power to make orders restraining or controlling conduct of parents, etc.

BB. Jurisdiction of Court ceases (RC 2151.38).
   1. When committed to Ohio Youth Commission.
   2. When permanent custody given to proper agency.
      a.) Permanent custody may be terminated on application of custodian to Court prior to child becoming 21.

CC. Contributing to delinquency and acting in a way tending to cause delinquency in a child (RC 2151.41).
   1. Contributing and acting in way tending to cause delinquency are distinguishable in that in former case the Court must find the child delinquent.
   2. Each day is separate offense.
   3. Penalty is not less than $5 nor more than $1,000, and imprisonment not less than 10 days nor more than one year, or both.

DD. Liability of parents for acts of delinquent child (RC 2151.411).
   1. Neglect of parents to control child.
   2. Bond of not more than $500 may be ordered posted by parents.
      a.) Bond may be forfeit if second offense by child, and proceeds applied to damages or paid into county treasury.

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EE. Neglect or mistreatment of child (RC 2151.42).
  1. Non-support charge--juvenile court.
  2. Each day is separate offense.
  3. Fine of up to $500 or imprisonment for not more than one year or both.

FF. Report of injury or neglect of child (RC 2151.421).
  1. To be made by physician, etc., if abuse or neglect of child is suspected.
  2. Report to be made to peace officer.
  3. Peace officer shall notify children's services board.
  4. Failure to make report:
    a.) Fine of $5.00 to $100.00 or imprisonment not less than one nor more than 10 days, or both.

GG. Procedure in adult cases in Juvenile Court.
  1. Sections RC 2151.422 to 2151.52.

HH. Interstate compact on juveniles.
  1. Sections RC 2151.56 to 2151.61.
  2. Covers run away and delinquent children.

(Code Sections from Page's Ohio
Revised Code and Baldwin's Ohio
Revised Code.)

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LAW ENFORCEMENT OFFICER TRAINING

JUVENILE COURT

2151.01 Liberal construction of chapter. (1969 H 320, eff. 11-19-69)

The sections in chapter 2151. of the revised code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes.

(A) To provide for the care, protection, and mental and physical development of children subject to chapter 2151. of the revised code;

(B) To protect the public interest in removing the consequences of criminal behavior and the taint of criminality from children committing delinquent acts and to substitute therefor a program of supervision, care, and rehabilitation;

(C) To achieve the foregoing purposes, whenever possible, in a family environment, separating the child from its parents only when necessary for his welfare or in the interests of public safety;

(D) To provide judicial procedures through which chapter 2151. of the revised code is executed and enforced, and in which the parties are assured of a fair hearing, and their constitutional and other legal rights are recognized and enforced.

Note: Former RC 2151.01 repealed by 1969 H 320, eff. 11-19-69.

2151.011 Definitions. (1969 H 320, eff. 11-19-69)

(A) As used in the revised code:

(1) "Juvenile court" means the division of the court of common pleas of a juvenile court separately and independently created having jurisdiction under chapter 2151. of the revised code.

(2) "Juvenile Judge" means a judge of a court having jurisdiction under chapter 2151. of the revised code.

(B) As used in sections 2151.01 to 2151.99, inclusive, of the revised code:

(1) "Child" means a person who is under the age of eighteen years, with the exception that any child who violates a federal or state law or municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of his age at the time the complaint is filed or hearing had thereon.

(2) "Adult" means an individual eighteen years of age or older.

(3) "Detention" means the temporary care of children in restricted facilities pending court adjudication or disposition.

(4) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(5) "Foster Home" means a family home in which any child is received apart from his parents for care, supervision, or training.

(6) "Certified Foster Home" means a foster home operated by persons holding a permit in force, issued under sections 5103.03 to 5103.05, inclusive, of the revised code.

(7) "Approved Foster Care" means facilities approved by the youth commission under sections 5139.36 to 5139.40, inclusive of the revised code.

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(8) "Organization" means any institution, public, semipublic, or private, and any private association, society or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.

(9) "Certified Organization" means any organization mentioned under division (B)(8) of this section which holds a certificate in force, issued under sections 5103.03 to 5103.05, inclusive, of the revised code.

(10) "Legal Custody" means a legal status created by court order which vests in the custodian the right to have physical care and control of the child and to determine where and with whom he shall live, and the right and duty to protect, train, and discipline him and to provide him with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the revised code or by the court.

(11) "Residual Parental Rights, Privileges, and Responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the person, including but not necessarily limited to the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(12) "Permanent Custody" means a legal status created by the court which vests in the county department of welfare which has assumed the administration of child welfare, county welfare board, or certified organization, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of any and all parental rights, privileges, and obligations, including all residual rights and obligations.

(13) "Temporary Custody" means legal custody as defined in division (B)(10) of this section which may be terminated at any time at the discretion of the court.

(14) "Commit" means to vest custody as ordered by the court.

(15) "Probation" means a legal status created by court order following an adjudication that a child is delinquent, a juvenile traffic offender, or unruly whereby the child is permitted to remain in the parents, guardians, or custodian's home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation.

(16) "Protective Supervision" means a legal status created by court order whereby the child is permitted to remain in the parents, guardian's, or custodian's home under supervision and subject to return to the court during the period of protective supervision.

2151.02 "Delinquent child" defined. (1969 H 320, eff. 11-19-69)

As used in sections 2151.01 to 2151.04, inclusive, of the Revised Code, "delinquent child" includes any child:

(A) Who violates any law of this state, the United States, or any ordinance or regulation of a POLITICAL subdivision of the state, WHICH WOULD BE A CRIME IF

COMMITTED BY AN ADULT, except as provided in section 2151.031 of the Revised Code;

(B) Who does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;

Who violates any lawful order of the court made under this chapter.

2151.021 "Juvenile Traffic Offender" defined. (1969 H320, eff. 11-19-69)

A child who violates any traffic law, traffic ordinance, or traffic regulation of this state, the United States, or of any POLITICAL subdivision of this state, shall be designated as a "juvenile traffic offender."

2151.022 "Unruly child" defined. (1969 H 320, eff. 11-19-69)

As used in sections 2151.01 to 2151.54, inclusive, of the revised code, "Unruly Child" includes any child:

(A) Who does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;

(B) Who is an habitual truant from home or school;

(C) Who so deports himself as to injure or endanger the health or morals of himself or others;

(D) Who attempts to enter the marriage relation in any state without the consent of his parents, custodian, legal guardian, or other legal authority;

(E) Who is found in a disreputable place, vists or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons;

(F) Who engages in an occupation prohibited by law, or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others;

(G) Who has violated a law applicable only to a child.

2151.03 "Neglected child" defined. (1969 H 320, eff. 11-19-69)

As used in sections 2151.01 to 2151.54, inclusive, of the Revised Code, "neglected child" includes any child:

(A) Who is abandoned by his parents, guardian, or custodian;

(B) Who lacks proper parental care because of the faults or habits of his parents, guardian, or custodian;

(C) Whose parents, guardian, or custodian neglects or refuses to provide him with proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well being;

(D) Whose parents, guardian, or custodian neglects or refuses to provide the special care made necessary by his mental condition;

Whose parents, legal guardian, or custodian have placed or attempted to place such child in violation of section 5103.16 and 5103.17 of the revised code.

A child who, in lieu of medical or surgical care or treatment for a wound, injury, disability, or physical or mental condition, is under spiritual treatment through prayer in accordance with the tenets and practices of a well-recognized religion, is not a neglected child for this reason alone.

2151.04 "Dependent child" defined. (1969 H 320, eff. 11-19-69)

As used in sections 2151.01 to 2151.54, inclusive, of the Revised Code, "dependent child" includes any child:

(A) Who is homeless or destitute or without proper care or support, through no fault of his parents, guardian, or custodian;

(B) Who lacks proper care or support by reason of the mental or physical condition of his parents, guardian, or custodian;

(C) Whose condition or environment is such as to warrant the state, in the interests of the child, in assuming his guardianship.

2151.07 Court having jurisdiction; absence of judge.

The juvenile court, or the court of common pleas, division of domestic relations, of any county, separately and independently created, established, and functioning as such, has and shall exercise the powers and jurisdiction conferred in sections 2151.01 to 2151.55, inclusive, and section 2151.99 of the Revised Code. Except in counties in which there now is or may hereafter be created, a separate an independent juvenile court or court of domestic relations, there is hereby established within the probate court a juvenile court, presided over by the probate judge, which shall be a court of record and exercise the powers and jurisdiction of such a court.

Whenever the juvenile judge of the juvenile court is absent from the county, or is unable to attend court, or the volume of cases pending in court necessitates it, upon the request of said judge, the presiding judge of the court of common pleas shall assign a judge of the court of common pleas of the county to act in his place or in conjunction with him. If no such judge is available for said purpose, the chief justice of the supreme court shall assign a judge of the court of common pleas, a juvenile judge, or a probate judge from some other county to act in the place of such judge or in conjunction with him, who shall receive such compensation and expenses for his services as is provided by section 141.07 of the Revised Code for judges assigned to hold court in courts of common pleas.

2151.17 Rules of Juvenile court. (1969 H 320, eff. 11-19-69)

Except as otherwise provided by rules promulgated by the supreme court. The juvenile court may prescribe rules regulating the docketing and hearing of causes, motions, and demurrers, and such other matters as are necessary for the orderly conduct of its business and the prevention of delay, and for the government of its officers and employees, including their conduct, duties, hours, expenses, leaves of absence, and vacations.

2151.23 Jurisdiction. (1969 H 320, eff. 11-19-69)

(A) The juvenile court has exclusive original jurisdiction under the revised code:

(1) Concerning any child who on or about the date specified in the complaint is alleged to be a juvenile traffic offender, delinquent, unruly, neglected, or dependent;

(2) To determine the custody of any child not a ward of another court of this state;

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;

(4) For the adoption of any child pursuant to sections 3107.01 to 3107.14, inclusive, of the revised code who is otherwise within the jurisdiction of the court;

(5) To exercise the powers and jurisdiction given the probate division of the court of common pleas in chapters 5122. and 5125. of the revised code, if a child otherwise within the jurisdiction of the court is mentally ill, as defined in section 5122.01 of the revised code, or mentally retarded as defined in section 5125.011 of the revised code;

(6) To hear and determine all criminal cases charging adults with the violation of any section of chapter 2151. of the revised code;

(7) Under the interstate compact on juveniles in section 2151.66 of the revised code;

(8) To hear and determine applications for consent to marry pursuant to section 3101.04 of the revised code.

(B) The juvenile court has original jurisdiction under the revised code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to chapter 3111. of the revised code;

(3) Under the uniform support of dependents act in chapter 3115. of the revised code.

(C) The juvenile court, except as to juvenile courts which are a separate division of the court of common pleas, has jurisdiction to hear, determine, and make a record of any action for divorce or alimony involving the custody or care of children filed in the court of common pleas and certified by the court of common pleas with all the papers filed therein to the court for trial, provided that no such certification shall be made to any court unless the consent of the juvenile judge is first obtained. After such certification is made and consent obtained, the court shall, proceed as if such action were originally begun in said court except as to awards for alimony or support due and unpaid at the time of certification, over which the court has no jurisdiction.

(D) The juvenile court has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce degree has been granted, including jurisdiction to modify the judgement and degree of the common pleas court as the same relate to the custody and support of children.

(E) The juvenile court has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if such child comes within the jurisdiction of the court as defined by this section.

Note: Former RC 2151.23 repealed by 1969 H 320, eff. 11-19-69.

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2151.25 Arrest of child. (1969 H 320, eff. 11-19-69)

When a child is arrested under any charge, complaint, affidavit, or indictment, whether for a felony or a misdemeanor, such child shall be taken directly before the juvenile court. If the child is taken before a judge of a county court, mayor, judge of the police or municipal court, or judge of the court of common pleas other than a juvenile court, such judge of a county court, mayor, judge of the police or municipal court, or judge of the court of common pleas shall transfer the case to the juvenile court. The officers having such child in charge shall take him before the juvenile judge, who shall proceed to hear and dispose of the case in the same manner as if the child had been brought before him in the first instance. Upon such transfer or taking of such child before such judge, all further proceedings under the charge, complaint, information, or indictment shall be discontinued in the court of said judge of a county court, mayor, police or municipal judge, or judge of the court of common pleas other than a juvenile court, and the case relating to such child shall thenceforth be within the exclusive jurisdiction of the juvenile court and shall be deemed to be upon a complaint filed in such court as fully as if the appearance of such child had been upon a complaint filed in and a citation or warrant of arrest originally issued by such court.

2151.26 Child charged with felony; transfer of case. (1969 H 320, eff. 11-19-69)

(A) After a complaint has been filed alleging that a child is delinquent by reason of having committed an act which would constitute a felony if committed by an adult. The court at a hearing may, before hearing the complaint on its merits, transfer the case for criminal prosecution to the appropriate court having jurisdiction of the offense, after making, in order, the following determinations:

(1) The child was fifteen or more years of age at the time of the conduct charged;

(2) There is probable cause to believe that the child committed the act alleged;

(3) After an investigation including a mental and physical examination of such child made by the Ohio Youth Commission, a public or private agency, or a person qualified to make such examination, that there are reasonable grounds to believe that:

(A) He is not committable to an institution for the mentally retarded or mentally ill;

(B) He is not amenable to care or rehabilitation in any facility designed for the care, supervision, and rehabilitation of delinquent children;

(C) The safety of the community requires that he be placed under legal restraint, including, if necessary, for the period extending beyond his majority.

(B) Notice in writing of the time, place, and purpose of such hearing shall be given to his parents, guardian, or other custodian and his counsel at least three days prior to the hearing.

(C) No child, either before or after reaching eighteen years of age, shall be prosecuted as an adult for an offense commited prior to becoming eighteen unless the case has been transferred as provided in this section. Any prosecution that is had in a criminal court on the mistaken belief that the child was over eighteen years of age at the time of the commission of the offense shall be deemed a nullity and the child shall not be considered to have been in jeopardy on the offense.

(D) Upon such transfer the juvenile court shall state the reasons therefor and order such child to enter into a recognizance with good and sufficient surety for his appearance before the appropriate court for such disposition as such court is authorized to make for a like act committed by an adult. Such transfer terminates the jurisdiction of the juvenile court with respect to the delinquent acts alleged in the complaint.

Note: Former RC 2151.26 repealed by 1969 H 320, eff. 11-19-69.

2151.27 Complaint Involving child; request for custody. (1969 H 320, eff. 11-19-69).

Any person having knowledge of a child who appears to be a juvenile traffic offender or to be delinquent, unruly, neglected, or dependent may, with respect to such child, file a sworn complaint in the juvenile court of the county in which such child has a residence or legal settlement, or in which such traffic offense, delinquency, unruliness, neglect, or dependency occurred. Such sworn complaint may be upon information and belief, and in addition to the allegation that the child is delinquent, unruly, neglected, dependent, or a juvenile traffic offender, the complaint must allege the particular facts upon which the allegation of delinquency, unruliness, neglect, dependency, or juvenile traffic offender is based.

Whenever a child, before arriving at the age of eighteen years, allegedly commits an act for which he may be adjudged delinquent, unruly, or a juvenile traffic offender, and the specific complaint thereon is not filed or a hearing held until after said child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of such complaint, as if the complaint were filed and hearing held before such child arrived at the age of eighteen years.

If the complainant in a neglect or dependency case is requesting permanent custody of the child or children, the complaint shall contain a prayer specifically requesting such custody.

Note: Former RC 2157.27 repealed by 1969 H 320, eff. 11-19-69.

2151.271 Transfer of proceedings to county of child's residence. (1969 H 320, eff. 11-19-69).

If the child resides in a county of the state and the proceeding is commenced in a juvenile court of another county, that court, on its own motion or a motion of a party, may transfer the proceeding to the county of the child's residence upon the filing of the complaint or after the adjudicatory, or dispositional hearing, for such further proceeding as required. The court of the child's residence shall then proceed as if the original complaint had been filed in that court. Transfer may also be made if the residence of the child changes. The proceeding shall be so transferred if other proceedings involving the child are pending in the juvenile court of the county of his residence.

Whenever a case is transferred to the county of the child's residence and it appears to the court of that county that the interests of justice and the convenience of the parties requires that the adjudicatory hearing be had in the county wherein the complaint was filed, the court may return the proceeding to the county wherein the complaint was filed for the purpose of such adjudicatory hearing. The court may thereafter proceed as to the county of the child's legal residence as provided in this section.

Certified copies of all legal and social records pertaining to the case shall accompany the transfer.

2151.28 Hearing; persons who shall be summoned; subpoena. (1969 H 320, eff. 11-19-69).

(A) After the complaint has been filed, the court shall fix a time for hearing, which if the child is in detention, shall not be later than ten days after the filing of the complaint. It shall direct the issuance of a summons directed to the child except as provided by this section, the parents, guardian, custodian, or other person with whom the child may be and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear before the court at the time fixed to answer the allegations of the complaint. A child alleged to be neglected or dependent shall not be summoned unless the court so directs. A summons issued for a child who is under fourteen years of age and who is alleged to be a delinquent or unruly child or a juvenile traffic offender shall be served on his parent, guardian, or custodian in his behalf.

If the person who has physical custody of the child, or with whom the child resides, is other than the parent or guardian, then the parents and guardian shall also be summoned. A copy of the complaint shall accompany the summons.

If the complaint contains a prayer for permanent custody in a neglect or dependency case, the summons served on the parents shall contain an explanation that the granting of such custody permanently divests the parents of their parental rights and privileges.

(B) The court may endorse upon the summons an order directing the parents, or guardian of the child, or other person with whom the child may be to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the hearing.

(C) The summons shall contain a statement advising that any party is entitled to counsel in the proceedings and that the court will appoint counsel if the party is indigent.

(D) If it appears from affidavit filed or from sworn testimony before the court that the conduct, condition, or surroundings of the child are endangering his health or welfare or those or others, or that he may abscond or be removed from the jurisdiction of the court or will not be brought to the court, notwithstanding the service of the summons, the court may endorse upon the summons an order that a law enforcement officer shall serve the summons and shall take the child into immediate custody and bring him forthwith to the court.

(E) A party, other than the child, may waive service of summons by written stipulation.

(F) Before any temporary commitment is made permanent, the court shall fix a time for hearing and shall cause by summons to be served upon the parent or guardian of the child, or published, as provided in section 2151.29 of the revised code. Such summons shall contain an explanation that the granting of permanent custody permanently divests the parents of their parental rights and privileges.

(G) Any person whose presence is considered necessary and who is not summoned may be subpoenaed to appear and testify at the hearing. Any one summoned or subpoenaed to appear who fails to do so may be punished, as in other cases in the court of common pleas, for contempt of court. Persons subpoenaed shall be paid the same witness fees as are allowed in the court of common pleas.

Note: Former RC 2151.28 repealed by 1969 H 320, eff. 11-19-69.

2151.281 Appointment of guardian ad litem. (1969 H 320, eff. 11-19-69).

The court shall appoint a guardian ad litem to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent, unruly, neglected, or dependent child when:

(A) The child has no parent, guardian, or legal custodian;

(B) The court finds that there is a conflict of interest between the child and his parent, guardian, or legal custodian.

In any proceeding concerning an alleged or adjudicated delinquent, unruly, neglected, or dependent child where the parent appears to be mentally incompetent or is under eighteen years of age, the court shall appoint a guardian ad litem to protect the interest of such parent.

The court shall require such guardian ad litem to faithfully discharge his duties, and upon his failure to do so shall discharge him and appoint another. The court may fix compensation for the service of the guardian ad litem which shall be paid from the treasury of the county.

A parent who is eighteen years of age or older and not mentally incompetent shall be deemed sui juris for the purpose of any proceeding relative to his child alleged or adjudicated to be a neglected or dependent child.

In any case wherein a parent of a child alleged or adjudicated to be a neglected or dependent child is under eighteen years of age, the parents of said parent shall be summoned to appear at any hearing respecting the alleged or adjudicated to be a neglected or dependent child.

2151.29 Service of summons, notices, and subpoenas; publication of summons; evidence of summons and mailing. (1969 H 320, eff. 11-19-69)

Service of summons, notices, and subpoenas, prescribed by section 2151.28 of the revised code, shall be made by delivering a copy to the person summoned, notified, or subpoenaed, or by leaving a copy at his usual place of residence. If the juvenile judge is satisfied that such service is impracticable, he may order service by registered or certified mail. If the person to be served is without the state but he can be found or his address is known, or his whereabouts or address can with reasonable diligence be ascertained, service of the summons may be made by delivering a copy to him personally or mailing a copy to him by registered or certified mail.

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Whenever it appears by affidavit that after reasonable effort the person to be served with summons cannot be found or his post office address ascertained, whether he is within or without a state, the clerk shall publish such summons once in a newspaper of general circulation throughout the county. The summons shall state the substance and the time and place of the hearing, which shall be held at least one week later than the date of the publication. A copy of the summons and the complaint shall be sent by registered or certified mail to the last known address of the person summoned unless it is shown by affidavit that a reasonable effort has been made, without success, to obtain such address.

A copy of the advertisement, summons, and complaint accompanied by the certificate of the clerk that such publication has been made and that such summons and complaint have been mailed as required by this section, is sufficient evidence of publication and mailing. When a period of one week from the time of publication has elasped, the juvenile court shall have full jurisdiction to deal with such child as provided by sections 2151.01 to 2151.99, inclusive, of the revised code.

Note: Former RC 2151.29 repealed by 1969 H 320, eff. 11-19-69.

2151.31 Taking child into custody. (1969 H 320, eff. 11-19-69)

A child may be taken into custody:

(A) Pursuant to an order of the court under this chapter;

(B) Pursuant to the laws of arrest;

(C) By a law enforcement officer or duly authorized officer of the court when there are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, as defined in section 2151.03 of the revised code, or is in immediate danger from his surroundings, and that his removal is necessary;

(D) By a law enforcement officer or duly authorized officer of the court when there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.

Taking a child into custody shall not be deemed an arrest except for the purpose of determining its validity under the constitution of this state or of the United States.

A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the complaint unless his detention or care is required to protect the person and property of others or those of the child, or because the child may abscond or be removed from the jurisdiction of the court, or because he has no parents, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or because an order for his detention or shelter care has been made by the court pursuant to this chapter.

2151.311 Procedure on taking child into custody; release to parent; delivery to court. (1969 H 320, eff. 11-19-69).

(A) A person taking a child into custody shall, with all reasonable speed and without first taking the child elsewhere, either:

(1) Release the child to his parents, guardian, or other custodian upon their written promise to bring the child before the court when requested by the court, unless his detention or shelter care appears to be warranted or required as provided in section 2151.31 of the revised code;

(2) Bring the child to the court or deliver him to a place of detention or shelter care designated by the court and promptly give written notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court. Any temporary detention or inquiry of the child necessary to comply with division (A) (1) of this section shall conform to the procedures and conditions prescribed by this chapter and rules of court.

(B) If a parent, guardian, or other custodian fails, when requested, to bring the child before the court as provided by this section, the court may issue its warrant directing that the child be taken into custody and brought before the court.

2151.312 Detention of child. (1969 H 320, eff. 11-19-69).

(A) A child alleged to be delinquent, unruly, or a juvenile traffic offender may be detained only in the following places:

(1) A certified foster home or a home approved by the court;

(2) A facility operated by a certified child welfare agency;

(3) A detention home or center for delinquent children which is under the direction or supervision of the court or other public authority or of a private agency and approved by the court;

(4) Any other suitable place designated by the court.

A child may be detained in jail or other facility for detention of adults only if the facility in division (A) (3) of this section is not available and the detention is in a room separate and removed from those for adults. The court may order that a child over the age of fifteen years be detained in jail in a room separate and removed from adults if public safety and protection reasonably require such detention.

The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child, who is or appears to be under the age of eighteen years, is received at the facility, and shall deliver him to the court upon request, or transfer him to a detention facility designated by the court.

If a case is transferred to another court for criminal prosecution, the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime.

(B) A child alleged to be neglected or dependent shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses or of children alleged to be delinquent unless upon order of the court.

2151.313 Fingerprinting child. (1969 H 320, eff. 11-19-69).

No child shall be fingerprinted or photographed in the investigation of a crime without the consent of the judge, except as provided in this section.

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Fingerprints of a child may be taken by law enforcement officers investigating the commission of an act which would be a felony if committed by an adult when there is probable cause to believe that the child may have been involved in the felonious act being investigated.

Unless otherwise ordered by the court, originals and all copies of such fingerprints or photographs shall be delivered to the juvenile court after use for their original purpose for such further use and disposition as the court directs.

Fingerprints and photographs of a child shall be removed from the file and destroyed if:

(A) A complaint is not filed or is dismissed after having been filed;

(B) The child reaches twenty-one years of age and there has been no record that he committed a criminal offense after reaching eighteen years of age.

2151.314 Intake officer to Investigate detention of child; parties to be informed of right of counsel. (1969 H 320, eff. 11-19-69).

When a child is brought before the court or delivered to a place of detention or shelter care designated by the court, the intake or other authorized officer of the court shall immediately make an investigation and shall release the child unless it appears that his detention or shelter care is warranted or required under section 2151.31 of the revised code.

If he is not so released, a complaint under section 2151.27 of the revised code shall be filed and an informal detention hearing held promptly, not later than seventy-two hours after he is placed in detention, to determine whether detention or shelter care is required. Reasonable oral or written notice of the time, place, and purpose of the detention hearing shall be given to the child and, if they can be found, to his parents, guardian, or other custodian. Prior to the hearing, the court shall inform the parties of their right to counsel and to appointed counsel if they are indigent, and of the child's right to remain silent with respect to any allegation of delinquency. Unless it appears from the hearing that the child's detention or shelter care is required under the provisions of section 2151.31 of the revised code, the court shall order his release as provided by section 2151.311 of the revised code. If a parent, guardian, or custodian has not been so notified and did not appear or waive appearance at the hearing, upon filing of his affidavit stating these facts, the court shall rehear the matter without unnecessary delay.

2151.34 Place of detention for children; district detention homes. (1969 H 320, eff. 11-19-69)

No child under eighteen years of age shall be placed in or committed to any prison, jail, or lockup, nor shall such child be brought into any police station, vehicle, or other place where such child can come in contact or communication with any adult convicted of crime or under arrest and charged with crime; provided that a child fourteen years of age or older may, for good cause shown, and with the consent of the juvenile judge or a person designated by him, be placed in a place of dentention for adults, and in a room or ward separate from adults. All children under eighteen years of age, when confined in such places of juvenile detention, shall not be detained for a period to exceed ninety days during which time a social history can be prepared to include court record, family history, personal history, school and attendance records, and such other pertinent studies and material as will be of assistance to the juvenile court in its disposition of the charges against such juvenile offenders.

Upon the advice and recommendation of the judge, the board of county commissioners shall provide, by purchase, lease, construction, or otherwise, a place to be known as a detention home, which shall be within a convenient distance of the the juvenile court, and not used for the confinement of adult persons charged with criminal offenses, where delinquent, dependent, neglected children, or juvenile traffic offenders may be detained until final disposition. Upon the joint advice and recommendation of the juvenile judges of two or more adjoining or neighboring counties, the boards of county commissioners of such counties, shall form themselves into a joint board, and proceed to organize a district for the establishment and support of a detention home for the use of the juvenile courts of such counties, where delinquent, dependent, neglected children, or juvenile traffic offenders may be detained until final disposition, by using a site or buildings already established in one such county, or by providing for the purchase of a site and the erection of the necessary buildings thereon. Such county or district detention home shall be maintained as provided in sections 2151.01 to 2151.54, inclusive, of the Revised Code. In any county is which there is no detention home, or which is not served by such a district detention home, the board of county commissioners shall provide funds for the boarding of such children temporarily in private homes. Children who are alleged to be or adjudged delinquent, dependent, neglected, or juvenile traffic offenders, may after complaint is filed, be detained in such detention home or certified foster homes until final disposition of their case. [illegible]e court may arrange for the boarding of such children in certified foster homes or in uncertified foster homes for a period not exceeding sixty days, subject to the supervision of the court, or may arrange with any county department of welfare which has assumed the administration of child welfare, county child welfare board, or certified organization to receive for temporary care children within the jurisdiction of the court.

In case a detention home is established as an agency of the court, or a district detention home is established by the courts of several counties as hereinbefore provided, it shall be furnished and carried on, as far as possible, as a family home in charge of a superintendent or matron in a non-punitive neutral atmosphere. The judge, or the directing board of a district detention home, may appoint a superintendent, a matron, and other necessary employees for such home and fix their salaries. During the school year, when possible, a comparable educational program with competent and trained staff shall be provided for those children of school age. A sufficient number of trained recreational personnel shall be included among the staff to assure wholesome and provitable leisure-time activites. Medical and mental health services shall be made available to insure the courts all possible treatment facilities shall be given to those children placed under their care. In the case of a county detention home, such salaries shall be paid in the same manner as is provided by section 2151.13 of the Revised Code for other employees of the court, and the necessary expenses incurred in maintaining such detention home shall be paid by the county. In the case of a district detention home, such salaries and the necessary expenses incurred in maintaining such detention home shall be paid as provided in sections 2151.341 to 2151.3415, inclusive, of the Revised Code.

In case the court arranges for the board of children temporarily detained in such foster homes, or arranges for such board through any private certified organization, a reasonable sum to be fixed by the court for the board of such children shall be paid by the county. In order to have such foster homes available for service an agreed monthly subsidy may be paid and a fixed rate per day for care of children actually residing therein.

2151.35 Informal hearing; record of testimony to be made upon request. (1969 H 320, eff. 11-19-69).

The juvenile court may conduct its hearings in an informal manner and may adjourn such hearings from time to time. In the hearing of any case the general public may be excluded and only such persons admitted as have a direct interest in the case.

All cases involving children shall be heard separately and apart from the trial of cases against adults. The court may excuse the attendance of the child at the hearing in cases involving neglected or dependent children. The court shall hear and determine all cases of children without a jury.

If the court finds from clear and convincing evidence that the child is a delinquent, unruly, neglected, or dependent child, or a juvenile traffic offender, the court shall proceed immediately, or at a postponed hearing, to hear the evidence as to the proper disposition to be made under sections 2151.352 to 2151.355, inclusive, of the revised code. If the court does not so find, it shall order that the complaint be dismissed and that the child be discharged from any detention or restriction theretofore ordered.

A record of all testimony and other oral proceedings in juvenile court shall be made upon request as provided in section 2301.20 of the revised code.

Note: Former RC 2151.35 repealed by 1969 H 320, eff. 11-19-69.

2151.351 Counsel for indigent children and parents. (1969 H 320, eff. 11-19-69).

When a child is brought before the juvenile court for hearing to determine whether or not such child is delinquent, unruly, dependent, neglected, or a juvenile traffic offender in cases where it appears that such juvenile traffic offender may be adjudged delinquent, if he and his parents are indigent, the court may assign counsel to such child and his parents. Such counsel shall not be a partner in the practice of law of any attorney representing any interest adverse to the child.

Counsel so assigned to represent a child and his parents shall be paid for their services by the county, and shall receive therefor such compensation as the juvenile court may approve, not exceeding three hundred dollars and expenses as the trial court may approve.

The fees and expenses approved by the court under this section shall be taxed as part of the costs.

LAW ENFORCEMENT OFFICER TRAINING

2151.352 Child or custodian entitled to legal counsel; court to provide counsel for indigents; attorney may visit child and have access to reports. (1969 H 320, eff. 11-19-69).

A child, his parents, custodian, or other person in loco parentis of such child is entitled to representation by legal counsel at all stages of the proceedings and if, as an indigent person he is unable to employ counsel, to have the court provide counsel for him. If a party appears without counsel, the court shall ascertain whether he knows of his right to counsel and of his right to be provided with counsel by the court if he is an indigent person. The court may continue the case to enable a party to obtain counsel and shall provide counsel for an unrepresented indigent person upon his request. The court shall appoint counsel for any parties found to be indigent unless representation is competently and intelligently waived. Counsel must be provided for a child not represented by his parent, guardian, or custodian. If the interests of two or more such parties conflict, separate counsel shall be provided for each of them.

An indigent person is one who, at the time his need is determined, is unable by reason of lack of property or income to provide for the full payment of legal counsel and all other necessary expenses of representation.

Section 2935.14 of the revised code shall apply to any child taken into custody. The parents, custodian, or guardian of such child, and any attorney at law representing them or the child, shall be entitled to visit such child at any reasonable time, be present at any hearing involving the child, and be given reasonable notice of such hearing.

Any report or part thereof concerning such child, which is used in the hearing and is pertinent thereto, shall for good cause shown be made available to any attorney at law representing such child and to any attorney at law representing the parents, custodian, or guardian of such child, upon written request prior to any hearing involving such child.

2151.353 Disposition of neglected or dependent child. (1969 H 320, eff. 11-19-69).

If the child is adjudged a neglected or dependent child, the court may make any of the following orders of disposition:

(A) Permit the child to remain with his parents, guardian, or other custodian, subject to such conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child;

(B) Commit the child to the temporary custody of the department of public welfare, a county department of welfare which has assumed the administration of child welfare, county children services board, any other certified organization, the Ohio Youth Commission for the purpose of diagnostic study and report as provided by division (B) of section 5139.05 of the revised code, either parent or a relative residing within or outside the state, or a probation officer for placement in a certified foster home;

(C) Commit the child to the temporary custody of any institution or agency in this state or another state authorized and qualified to provide the care, treatment, or placement that the child requires;

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(D) Commit the child permanently to the county department of welfare which has assumed the administration of child welfare, county children services board, or to any other certified agency. Upon such commitment the natural or adoptive parents are divested of all legal rights and obligations due from them to the child or from the child to them.

No order for permanent custody shall be made at the hearing wherein the child is adjudicated neglected or dependent except and unless the complaint alleging the neglect or dependency contains a prayer requesting such permanent custody and the summons served on the parents contains a full explanation that the granting of such an order permanently divests them of their parental rights.

2151.354 Disposition of unruly child. (1969 H 320, eff. 11-19-69).

If the child is adjudged unruly the court may:

(A) Make any of the dispositions authorized under section 2151.353 of the revised code.

(B) Place the child on probation under such conditions as the court prescribes;

(C) Suspend or revoke the operator's or chauffeur's license issued to such child; suspend or revoke the registration of all motor vehicles registered in the name of such child.

If after making such disposition the court finds, upon further hearing, that the child is not amenable to treatment or rehabilitation under such disposition, the court may make a disposition otherwise authorized under section 2151.355 of the revised code.

2151.355 Disposition of delinquent child. (1969 H 320, eff. 11-19-69)

If the child is found to be a delinquent child, the court may make any of the following orders of disposition:

(A) Any order which is authorized by section 2151.353 of the revised code;

(B) Place the child on probation under such conditions as the court prescribes;

(C) Commit the child to the temporary custody of any school, camp, institution or other facility for delinquent children operated for the care of such children by the county or by a private agency or organization, within or without the state, which is authorized and qualified to provide the care, treatment, or placement required;

(D) Commit the child to the legal custody of the Ohio Youth Commission;

(E) Commit a male child sixteen years of age or over who has committed an act which if committed by an adult would be a felony to a maximum security institution operated by the department of mental hygiene and correction, for the training and rehabilitation of such delinquent children;

(F) Impose a fine not to exceed fifty dollars;

(G) Suspend or revoke the operator's or chauffeur's license issued to such child, or suspend or revoke the registration of all motor vehicles registered in the name of such child;

(H) Make such disposition as authorized by section 2947.25 of the revised code, if the child would come within the purview of such section if he were an adult;

(I) Make such further disposition as the court finds proper.

2151.356 Disposition of juvenile traffic offender. (1969 H 320, eff. 11-19-69).

If the child is found to be a juvenile traffic offender the court may make any of the following orders of disposition:

(A) Impose a fine not to exceed fifty dollars;

(B) Suspend the child's operator's or chauffeur's license or the registration of all motor vehicles registered in the name of such child for such period as the court prescribes;

(C) Revoke the child's operator's or chauffeur's license or the registration of all motor vehicles registered in the name of such child;

(D) Place the child on probation;

(E) Require the child to make restitution for all damages caused by his traffic violation or any part thereof.

If after making such disposition the court finds upon further hearing that the child has failed to comply with the orders of the court and his operation of a motor vehicle constitutes him a danger to himself and to others, the court may make any disposition authorized by section 2151.355 of the revised code.

2151.357 Determination of school district which is to bear cost of educating child removed from his own home. (1969 H 320, eff. 11-19-69).

The court shall at the time of making any order which removes a child from his own home determine which school district shall bear the cost of educating such child. Such determination shall be made a part of the order which provides for the child's placement or commitment.

Whenever a child is placed in a detention home, institution, school, residential treatment center, or other facility, public or private, within or without this state, his school district as determined by the court shall pay the cost of educating said child based on the per capita cost of the educational facility within such detention home, institution, residential treatment center, or other facility.

2151.358 Expungement of record of delinquent or unruly child. (1969 H 320, eff. 11-19-69).

Any person who adjudicated a delinquent or unruly child, may apply to the court for an expungement of his record, or the court may initiate expungement proceedings. Such application shall be filed no sooner than two years after the termination of any order made by the court, or two years after his unconditional discharge from the Ohio Youth Commission or other institution or facility to which he may have been committed.

Notice of the hearing on such application shall be given to the prosecuting attorney.

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If the court finds that the rehabilitation of the person has been attained to a satisfactory degree, the court may order the records sealed and the proceedings in such case shall be deemed never to have occurred. All index references shall be deleted and the person and the court may properly reply that no record exists with respect to such person upon any inquiry in the matter. Inspection of the records included in the order may thereafter be permitted by the court only upon application by the person who is the subject of the records and only to such persons as are named in his application.

The judgment rendered by the court under this chapter shall not impose any of the civil disabilities ordinarily imposed by conviction of a crime in that the child is not a criminal by reason of such adjudication, nor shall any child be charged or convicted of a crime in any court except as provided by this chapter. The disposition of a child under the judgment rendered or any evidence given in court is not admissible as evidence against the child in any other case or proceeding in any other court, except that the judgment rendered and the disposition of such child may be considered by any court only as to the matter of sentence or to the granting of probation. Such disposition or evidence shall not operate to disqualify a child in any future civil service examination, appointment, or application.

2151.359 Restraining or controlling conduct of parent, guardian, or custodian of child. (1969 H 320, eff. 11-19-69).

In any proceeding wherein a child has been adjudged delinquent, unruly, neglected, or dependent, on the application of a party, or the courts own motion, the court may make an order restraining or otherwise controlling the conduct of any parent, guardian, or other custodian in the relationship of such individual to the child if the court finds that such an order is necessary to:

(A) Control any conduct or relationship that will be detrimental or harmful to the child;

(B) Where such conduct or relationship will tend to defeat the execution of the order of disposition made or to be made.

Due Notice of the application or motion and the grounds therefor, and an opportunity to be heard shall be given to the person against whom such order is directed.

2151.36 Support of child. (1969 H320, eff. 11-19-69)

When a child has been committed as provided by sections 2151.01 to 2151.54, inclusive, of the Revised Code, the juvenile court may make an examination regarding the income of the parents, guardian, or person charged with such child's support, and may then order that such parent, guardian, or person pay for the care, maintenance, and education of such child and for expenses involved in providing orthopedic, medical or surgical treatment, or special care of such child. The court may enter judgment for the money due and enforce such judgment by execution as in the court of common pleas.

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Any expenses incurred for the care, support, maintenance, education, medical or surgical treatment, special care of a child, which has a legal settlement in another county, shall be at the expense of the county of legal settlement, if the consent of the juvenile judge of the county of legal settlement is first obtained. When such consent is obtained, the board of county commissioners of the county in which such child has a legal settlement shall reimburse the committing court for such expense out of its general fund. If the department of public welfare deems it to be in the best interest of any delinquent, dependent, unruly, or neglected child which has a legal settlement in a foreign state or country, that such child be returned to the state or country of legal settlement, such child may be committed to the department for such return.

Any expense ordered by the court for the care, maintenance, and education of dependent, neglected, unruly, or delinquent children, or for orthopedic, medical or surgical treatment, or special care of such children under sections 2151.01 to 2151.54, inclusive, of the Revised Code, except such part thereof as may be paid by the state or federal government, shall be paid from the county treasury upon specifically itemized vouchers, certified to by the judge. The court shall not be responsible for any expense resulting from the commitment of children to any home, county department of welfare which has assumed the administration of child welfare, county children services board, certified organization, or other institution, association, or agency, unless such expense has been authorized by the court at the time of commitment.

2151.38 Custody of child by public agency. (1969 H320, eff. 11-19-69)

When a child is committed to the legal custody of the youth commission, or to the permanent custody of a county department of welfare which has assumed the administration of child welfare, county children services board, or certified organization, the jurisdiction of the juvenile court in respect to the child so committed shall cease and terminate at the time of commitment, except that if the department or any county department, board, or certified organization having such permanent custody makes application to the court for the termination of such custody, the court upon such application, after notice and hearing and for good cause shown, may terminate such custody at any time prior to the child becoming of age. The court shall make disposition of the matter in whatever will serve the best interests of the child. All other commitments made by the court shall be temporary and shall continue for such period as designated by the court in its order, or until terminated or modified by the court, or until a child attains the age of twenty-one years.

2151.40 Co-operation required; prosecuting attorney to assist the court at judge's request. (1969 H 320 , eff. 11-19-69).

Every county, township, or municipal official or department, including the prosecuting attorney, shall render all assistance and co-operation within his jurisdictional power which may further the objects of sections 2151.01 to 2151.54, inclusive, of the Revised Code. All institutions or agencies to which the juvenile court sends any child shall give to the court or to any officer appointed by it such information concerning such child as said court or officer requires. The court may seek the co-operation of all societies or organizations having for their object the protection or aid of children.

On the request of the judge, when the child is represented by an attorney, or when a trial is requested the prosecuting attorney shall assist the court in presenting the evidence at any hearing or proceeding concerning an alleged or adjudicated delinquent, unruly, neglected, or dependent child or juvenile traffic offender.

(2151.41.1) 2151.411 Liability of parents for acts of delinquent child.

A parent or guardian having custody of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such child. In any case where a child is found delinquent and placed on probation, if the court finds at the hearing that the parent having custody of such child has failed or neglected to subject him to reasonable parental control and authority, and that such failure or neglect is the proximate cause of the act or acts of the child upon which the finding of delinquency is based, the court may require such parent to enter into a recognizance with sufficient surety, in an amount of not more than five hundred dollars, conditioned upon the faithful discharge of the conditions of probation of such child. If the child thereafter commits a second act and is by reason thereof found delinquent, or violates the conditions of probation, and the court finds at the hearing that the failure or neglect of such parent to subject him to reasonable parental control and authority or to faithfully discharge the conditions of probation of such child on the part of such parent, is the proximate cause of the act or acts of the child upon which such second finding of delinquency is based, or upon which such child is found to have violated the conditions of his probation, the court may declare all or a part of the recognizance forfeited and the amount of such forfeited recognizance shall be applied in payment of any damages which may have been caused by such child, if there be such damages, otherwise, the proceeds therefrom, or part remaining after the payment of damages as aforesaid, shall be paid into the county treasury.

The provisions of this section as it relates to failure or neglect of parents to subject a child to reasonable parental control and authority shall be in addition to and not in substitution for any other sections of this chapter relating to failure or neglect to exercise such parental control or authority. The provisions of this section shall not apply to foster parents.

HISTORY: 127 v 21, 1. Eff 9-13-57.

Law Review

Intra-family immunities and the law of torts in Ohio. John E. Sullivan. 18 WestResLRev 447.

2151.42 Prohibition against neglecting or mistreating child.

No person charged with the care, support, maintenance, or education of a legitimate or illegitimate child or no person being the father of an illegitimate child under eighteen years of age shall fail to care for, support, maintain, or educate such child, or shall abandon such child, or shall beat, neglect, injure, or otherwise ill-treat such child, or cause or allow him to engage in common begging. No person charged with the care, support, maintenance, or education of a legitimate or illegitimate child under twenty-one years of age who is physically or mentally handicapped shall fail to care for, support, maintain, or educate such child. Such neglect, nonsupport, or abandonment shall be deemed to have been committed in the county in which such child may be at the time of such neglect, nonsupport, or abandonment. Each day of such failure, neglect, or refusal shall constitute a separate offense.

HISTORY: GC 1639-46; 117 v 520 (534); 119 v 731 (734); 121 v 557 (566); 130 v 625, 1. Eff 9-2-63.

Analogous to former GC 1655.

Cross-References to Related Sections

Prohibition against neglect or refusal to pay maintenance of child, RC 3113.06

Penalty for violation of this section, RC 2151.99(B).

Penalty for torturing or neglecting children, RC 2903.08.

See RC 2151.51 which refers to this section.

Comparative Legislation

Neglect or mistreatment:

- Ill.--Rev Stat, 1965, ch 23, 2368, 2369
- Ind.--Burns' Stat, 1956 Repl, 10-813
- Ky.--KRS 199.320 et seq, 405.030, 405.040
- Mass.--Ann Laws, ch 119, 42, ch 273, 1 et seq
- Mich.--Stats Ann, 25.237
- N.Y.--Consol Laws, Penal, 480 et seq, Family Court Act, 311
- Penn.--Purdon's Stat, tit 18, 4726 et seq
- Tenn.--Code Ann, 37-236
- W.Va.--Code 1966, 49-6-1

Support of illegitimate children:

- Mass.--Ann Laws, ch 273, 15
- Penn.--Purdon's Stat, tit 18, 4727
- Tenn.--Code Ann, 14-1503

Forms

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Complaint; neglect of child by one charged with care. No. 304.

Law Reviews

Child-support practice in the juvenile court. Walter G. Whitlatch. 16 ClevBJ (No. 8) 91.

Ohio's mandatory reporting statute for cases of child abuse. Mario C. Ciano. 18 WestResLRev 1405.

CASE NOTES AND OAG

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See also case note 10 under RC 2151.41.

1. This section and GC 12123 (RC 3111.17) authorize a court, in bastardy proceedings, to render a judgment only for the mother's support and maintenance and necessary expenses of childbirth, and support of the child; these do not include attorney fees or care and maintenance of the child from its birth to the time of trial: State ex rel Beebe v. Cowley, 166 OS 377, 156 NE 214.

2. Different statutes providing different penalties for offenses against minors will not be deemed inconsistent or in conflict with each other where the principal elements thereof are similar but are accompanied by varying circumstances aggravating or affecting the degree of such offenses: In re Cooper, 134 OS 40, 11 OO 416, 15 NE(2d) 634 (affirming 58 App 519).

3. In a prosecution under this section, which provides in part, "whoever is charged by law with the care support, maintenance or education of a legitimate or illegitimate child under eighteen years of age, and fails, neglects or refuses so to do, *** may be, after trial and conviction, sentenced to imprisonment *** or fined," the state must show beyond a reasonable doubt that the accused comes within the class of persons charged by statute with such duty. The record of a judgment in an action for divorce, wherein the mother of such child was plaintiff and the accused was defendant and wherein such child was found to be the issue of the marriage, is not admissible to establish that the accused was "charged by law" with the care and support of such child: State v. Snyder, 157 OS 15, 47 OO 24, 104 NE(2d) 169.

4. In a prosecution under this section, the accused may offer evidence tending to prove that he was not the father of the child or "charged by law" with the care and support thereof, and as a part of his defense he is entitled, on motion duly made, to an order of the court requiring the mother and child, along with the accused, to submit to blood-grouping tests, as provided in GC 12122-2 (RC 2317.47): State v. Snyder, 157 OS 15, 47 OO 24, 104 NE(2d) 169.

4.1 A man can be convicted under this section for failing to support a child although there has been no previous judicial determination that he is the father of such child. It is sufficient if such determination is made for the first time in the proceeding in which he is convicted: State v. Carter, 175 OS 98, 23 OO(2d) 390, 191 NE(2d) 541.

5. Although some of the matters constituting an offense in GC 12970 (RC 2903.08), appear in this section, they are so provided in order to enforce protection for the child; there is no inconsistency with the criminal code, the jurisdiction of which lies in another court: In re Cooper, 58 App 519, 11 OO 442, 16 NE(2d) 954 (affirmed, 134 OS 40).

6. Where a criminal action was instituted in 1945 charging defendant with nonsupport under this section, such action was governed by the provisions of that section prior to its amendment, effective January 1, 1946: State v. Sharp, 47 OLA 339 (App).

7. The juvenile court had jurisdiction under this section, as effective prior to its amendment January 1, 1946, of a nonsupport proceeding filed by an unmarried woman in 1945 in which the defendant was charged with being the parent of her illegitimate child, notwithstanding the defendant had not been adjudged to be the father of the child under GC 12110 (RC 3111.01): State v. Sharp, 47 OLA 339 (App).

8. An affidavit charging an accused as being the father of an illegitimate minor child and with failing to support the child, without charging that such

paternity has been adjudged by a court of competent jurisdiction, does not state an offense: State v. Parker, 82 App 235, 37 OO 555, 78 NE(2d) 427.

9. Where an accused is found guilty of nonsupport of an illegitimate minor child of which he was alleged to be the father, the overruling of a motion to vacate the judgment of guilty on the ground of newly discovered evidence is prejudicial error, where such evidence is a birth certificate showing that a person other than the accused is the father of such child: State v. Parker, 82 App 235, 37 OO 555, 78 NE(2d) 427.

10. The filing in juvenile court, pursuant to this section, of an affidavit charging nonsupport of a bastard child, a criminal offense, which court thereafter holds no hearing and makes no order, and into which court the reputed father voluntarily pays certain sums which are remitted to the mother for support of the bastard, does not prevent the common pleas court from exercising jurisdiction in a civil action to recover for the support and maintenance of such child: Wiegel v. Burcham, 94 App 423, 52 OO 132, 115 NE(2d) 847.

11. Under the provisions of this section the juvenile court's criminal jurisdiction over a parent to compel the support of a minor child terminates when the child becomes eighteen years of age: Calogeras v. Calogeras, 10 OO(2d) 441, 163 NE(2d) 713 (JC).

12. In a prosecution under this section, for failure to support an illegitimate child, the accused may offer evidence tending to prove that he is not the father of the child or charged by law with the care and support thereof, and as a part of his defense he is entitled, on motion duly made, to an order of the court requiring the mother and child, along with the accused to submit to blood grouping tests and it is prejudicial error to refuse him this right: State v. Lockwood, 84 OLA 257, 160 NE(2d) 131 (App).

13. Where the mother of a child was lawfully married at the time the child must have been conceived, a man other than her husband cannot be convicted under this section for failing to support that child unless there is clear and convincing evidence that the child is not attributable to the mother's husband; and, even if there is such evidence, the state must prove such man's guilt beyond a reasonable doubt: State v. Carter, 175 OS 98, 23 OO(2d) 390, 191 NE(2d) 541.

14. The provisions of this section having to do with the support of a minor child and prohibiting the failure or neglect to provide such support, apply to either parent of such child; and a father who contributes nothing to the support of his two minor children for more than six months except two dresses and ten dollars as presents is guilty of failure to support such children, notwithstanding the fact that the mother of such children received welfare aid for their care and support: State v. Priest, 120 App 270, 29 OO(2d) 93, 202 NE(2d) 187.

15. This section does not place upon the prosecution any duty to show that a person charged with a violation thereof (nonsupport of a minor child) is able to support such child: State v. Priest, 120 App 270, 29 OO(2d) 93, 202 NE(2d) 187.

DECISIONS UNDER FORMER GC 1655

20. Under a former statute (94 v 105, Bates, 1340-2) a nonresident parent was not within its provisions: State v. Ewers, without report, 76 OS 563, 81 NE 1196.

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21. Under the act in its present form (see also GC 13011 (RC 3113.05)) a nonresident parent may be prosecuted for nonsupport: State v. Sanner, 81 OS 393, 90 NE 1007, 28 LRA(NS) 130.

22. The term "minor" found in this section (103 v 873) should receive its ordinary legal signification, and so construed embraces only minor children who are legitimate. The juvenile court acting under that section has no authority to proceed and punish the father of an illegitimate child, unless its paternity has been acknowledged after intermarriage in conformity to GC 8591 (see now RC 2105.18): Creisar v. State, 97 OS 16, 119 NE 128.

23. The fact that GC 12123 (RC 3111.17) provides only for the maintenance of an illegitimate child as a result of a proceeding in bastardy, tends to show that a duty of support, maintenance and education which is imposed by this section applies only to legitimate children: Creisar v. State, 97 OS 16, 119 NE 128 (disapproving State v. Bone, 25 CC(NS) 447, 27 CD 472, and explaining refusal of supreme court to grant certiorari).

24. When one has been charged with an offense under GC 1655 (see now RC 2151.42), and has been tried, convicted, sentenced, and imprisoned in a county workhouse for a term of one year pursuant thereto, a proceeding in habeas corpus cannot be successfully maintained to secure his release: Webster v. State ex rel Altick, 129 OS 308, 2 OO 295, 195 NE 548.

25. The violation of GC 1655 (see now RC 2151.42), imposing a penalty for the failure to care for, educate, and support a minor under eighteen years of age, is properly charged before a juvenile court by affidavit, under GC 1683-1 (see now RC 2151.23, 2151.43), and such court jurisdiction to hear and determine all further proceedings thereunder: Webster v. State ex rel Altick, 129 OS 308, 2 OO 295, 195 NE 548; Baker v. State, 19 OLA 126.

26. A judgment entered in a divorce proceeding releasing the defendant father from any further responsibility regarding his minor child, whose custody, support, and so forth, are committed to the mother, is available to him as a defense against a prosecution under GC 1655 (see now RC 2151.42), for failing to contribute to the support of such child: Rowland v. State, 14 App 238, 32 OCA 75 (motion to certify record overruled, State v. Rowland, 19 OLR 83).

27. Prosecution for violation of GC 1655 (see now RC 2151.42), based upon an affidavit, is within the jurisdiction of the juvenile court, under the provisions of GC 1683-1 (see now RC 2151.23, 2151.43), giving such court jurisdiction in all offenses against minors: Snyder v. State ex rel McCoy, 4 OO 537 (App).

28. Settlement of bastardy proceedings and the release executed by the complainant in connection therewith, purporting to release, discharge and save harmless the defendant from all claims which may be asserted by the complainant therein, is not a bar to prosecution of an action for nonsupport of a minor illegitimate child brought under GC 1655 (see now RC 2151.42): Snyder v. State ex rel McCoy, 4 OO 537 (App).

29. The juvenile court has power under GC 1655 (see now RC 2151.42) to compel the fathers of legitimate children of over sixteen and under eighteen years to support them in like manner as they are required to support their children who are under sixteen years of age: 1924 OAG p. 718.

30. A step-parent is generally not liable for the support, care, maintenance and education of a minor stepchild as if it were his own. The provisions of the juvenile court chapter generally apply to a step-parent in the same manner as a

real parent, where the application is consistent with the intent of the chapter: 1925 OAG p.281.

31. Bond given as a condition of suspension of sentence imposed upon parent for failure to support minor child. Disposition of money if parent fails to comply: 1927 OAG p. 395.

(2151.42.1) 2151.421 Physician or physician's agent's report of injury or neglect.

Any physician, including a hospital intern or resident physician, examining, attending, or treating a child less than eighteen years of age, or any registered nurse, visiting nurse, school teacher, or social worker, acting in his official capacity, having reason to believe that a child less than eighteen years of age has suffered any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse or neglect of such child, shall immediately report or cause reports to be made of such information to a municipal or county peace officer. Such reports shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report. Such reports shall contain:

(A) The names and addresses of the child and his parents or person or persons having custody of such child, if known;

(B) The child's age and the nature and extent of the child's injuries or physical neglect, including any evidence of previous injuries or physical neglect;

(C) Any other information which might be helpful in establishing the cause of the injury or physical neglect.

When the attendance of the physician is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

Upon the receipt of a report concerning the possible non-accidental infliction of a physical injury upon a child, the municipal or county peace officer shall refer such report to the appropriate county department of welfare or child welfare board in charge of children's services.

No child upon whom a report is made shall be removed from his parents, stepparents, guardian, or other persons having custody by a municipal or county peace officer without consultation with the county department of welfare unless, in the judgment of the reporting physician and the officer, immediate removal is considered essential to protect the child from further injury or abuse.

The county department of welfare or child welfare board shall investigate each report referred to it by a law enforcement officer to determine the circumstances surrounding the injury or injuries, the cause thereof, and the person or persons responsible. Such investigation shall be made in cooperation with the law enforcement agency which shall have the primary responsibility for such investigations. The department or board shall submit a report of its investigation, in writing, to the law enforcement agency and shall provide such social services as are necessary to protect the child and preserve the family.

The county department of welfare or child welfare board shall make such recommendations to the county prosecutor or city attorney as it deems necessary to protect such children as are brought to its attention.

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Anyone participating in the making of such reports, or anyone participating in a judicial proceeding resulting from such reports, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries or physical neglect, or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

Nothing in this section shall be construed to define as a physically neglected child, any child who is under spiritual treatment through prayer in accordance with the tenets and practice of a well-recognized religion in lieu of medical treatment, and no report shall be required as to such child. (131 v H 218. Eff. 11-11-65. 130 v H 765)

Penalty, 2151.99(C)

See Text 45.7, 100.10.1

See Merrick-Rippner Probate Manual, Text 263 (2A) (5)

See Baldwin's Ohio School Law, Text 69.07, 103.02

Child Abuse Legislation and the Interdisciplinary Approach, Richard H. Hansen. 52 Am Bar Asso Jour 734 (1966).

2151.422 Mentally ill, mentally deficient, or psychopathic offenders.

Sections 2947.25 to 2947.28, inclusive, of the Revised Code, relating to the psychiatric examination, court hearing, disposition of persons found guilty of certain offenses, and the placement of children under the care and custody of such persons, shall apply to cases of adults tried and found guilty of the designated offenses in a juvenile court. (132 v S 316. Eff. 12-13-67)

See Text 45.7, 100.10.1

2151.43 Charge against adult; defendant bound over to grand jury.

In cases against an adult under sections 2151.01 to 2151.54, inclusive, of the Revised Code, any person may file an affidavit with the clerk of the juvenile court setting forth briefly, in plain and ordinary language, the charges against the accused who shall be tried thereon. When the child is a recipient of aid pursuant to Chapter 5107. or 5113. of the Revised Code, the county welfare department shall file charges against any person who fails to provide support as provided in section 2151.42 of the Revised Code, unless charges are filed under section 3113.06 of the Revised Code.

In such prosecution an indictment by the grand jury or information by the prosecuting attorney shall not be required. The clerk shall issue a warrant for the arrest of the accused, who, when arrested, shall be taken before the juvenile judge and tried according to such sections.

The affidavit may be amended at any time before or during the trial.

The judge may bind such adult over to the grand jury where the act complained of constitutes a felony. (132 v H390. Eff. 11-7-67. 127 v 856)

2151.43 former GC 1639.39.

See Text 45.7,100.10.1

See Form 43.40 to 43.44, 43.60 to 43.62, 43.64, 43.70

See Outlines 1, I(f) 2

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See Baldwin's Civil Manual, Forms 115.04, 115.05, 115.07, 115.09, 115.10, 115.12, 115.13, 115.27 et seq.

See Merrick-Rippner Probate Manual, Text 263 (3.01) (4.01) to (4.03); Form 41.70

See Skeel's Appellate Law, Text 3.08, 21.01, 23.36

OJur 2d: 33, Juvenile Courts 63, 65, 66, 68

The crimes of larceny (12447) and stealing or operating a motor vehicle against the will of the owner (12619), were not included in the offenses desscribed in former 1683-1, and under that statute, the judge of the juvenile court was not given specific or exclusive jurisdiction over these two crimes. State v Klingenberger, 113 OS 418, 149 NE 395. (GC 12447 now RC 2907.20; GC 12619 now RC 4549.04; GC 1683-1 Repealed).

Where adult father filed motion to vacate previous orders and to dismiss proceedings of juvenile court as to custody of his child, and at hearing on such motion it was stipulated that the sole issue was court's jurisdiction to hear, decide and make order delivered therein on a stated date, there is no right of appeal to court of appeals on questions of law from court's order overruling such motion. In re Griffin, 73 App 110, 55 NE(2d) 133.

This section not only confers jurisdiction upon juvenile courts in certain cases, but goes further and prescribes that in such cases an information is not required, and that the court shall have jurisdiction to hear such matters on affidavit only, intention of the Legislature being that the minor's correction might be quietly effected, the public not informed of his misconduct, and the child not be made the subject of public ridicule. Wilson v Lasure, 36 App 107, 172 NE 694.

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LIQUOR CONTROL

Time Allotted: 3 Hrs.

INTRODUCTION:

This lesson unit was prepared for the purpose of assisting you in the enforcement of the Liquor Control Act and the rules and regulations of the Liquor Control Commission.

As you are undoubtedly aware, local law enforcement officers play a vitally important role in the effective administration of these laws; and, in fact, it was the intention of the Legislature in passing the liquor control laws that the primary responsibility for the enforcement of state liquor control laws should rest with the local law enforcement agencies. Accordingly, the law permits a police officer to make a complaint against a permit holder, his agent, or employe in local courts, and to subsequently request a citation against the permit holder before the Liquor Control Commission for the same offense without prejudice to either case.

In this lesson unit there is prepared a quick reference to the most frequent violations which confront police officers during the course of their police activities. No attempt has been made to list all the sections of the liquor control laws or all the regulations of the Liquor Control Commission, merely those most frequently violated.

Listed under each section of the law or regulations considered are the elements necessary to prove the particular violation, followed by enumerated suggestions on how these elements can be proven. Each violation report from a local police agency requesting a citation to the Liquor Control Commission must contain sufficient information to substantiate these elements. On Page 486 under the heading "Information Necessary for all Violations" there are listed 11 essential items of factual information which are necessary for all types of violations.

In addition, there is a part (Part V) on general investigative techniques, and specific techniques follow some of the sections of law or regulations. These are by no means intended to be inclusive, nor are officers limited to those techniques. Their applicability has been suggested by investigators of many year's experience and their appearance is more in the nature of a guide to the type of careful investigation necessary to gather clear-cut evidence, rather than a set of rules. It must be emphasized that just as these techniques are not inclusive, so their usefulness in a particular instance must be determined by the investigator making the inquiry in the light of actual conditions.

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It is felt that both you, as police officers of the State of Ohio, and we, as representatives of the Ohio Department of Liquor Control, owe a serious obligation to the people of Ohio in the administration and enforcement of the provisions of the liquor control laws, and that we can best carry out this obligation by working in close cooperation with each other. It is with this thought in mind that we have prepared this pamphlet, and we sincerely hope that you will find it of value in connection with your law enforcement activities.

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I. DEFINITIONS (Section 4301.01, Ohio Revised Code)

BEER

All malt beverages containing 1/2 of 1% or more alcohol by weight but not more than 3.2% by weight.

MALT LIQUOR

Brewed or fermented malt products containing more than 3.2% but not more than 7% alcohol by weight. (Commonly known as "High Power" or "6%" beer.)

INTOXICATING LIQUOR

Liquids and compounds containing more than 3.2% alcohol by weight, fit for beverage purposes.

NOTE: Does not include beer.

WINE

Intoxicating liquor containing not less than 7% alcohol by weight and not more than 21% alcohol by volume, which is made by the fermentation of the juices of sound, ripe, and undried grapes and fruits.

MIXED BEVERAGES

Intoxicating liquor such as bottled and prepared cordials, cocktails, and highballs the alcoholic content of which is not less than 7% by weight and not more than 21% by volume.

SPIRITUOUS LIQUOR

Intoxicating liquors containing more than 21% of alcohol by volume.

SALE, or SELL

Except as used in Sections 4301.01 to 4301.52, inclusive, 4301.56, 4301.70, 4301.72 and 4303.01 to 4303.36, inclusive, of the Revised Code, "sale" and "sell" include exchange, barter, gift, offer for sale, sale, distribution and delivery of any kind, and the transfer of title, or possession of beer and intoxicating liquor either by constructive or actual delivery by any means or devices whatsoever.

PERMITS (Common) Sections 4303.11 and following.

Removes the limitation on the total amount of wine, beer, ale, stout and other malt beverages containing more than three and two-tenths per cent of alcohol by weight that may be sold at any one carry-out sale under a Class C-1, C-2, D-1 or

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D-2 permit (prior law limited the maximum amount of such beverages for any one carry-out sale to 576 ounces for persons having only carry-out permits, and to 288 ounces for persons having sale by glass and carry-out permits); provides that the maximum capacity of the containers in which any such beverages may be sold for carry-out purposes is three and seven-eights gallons.

C-1 - Carry-out permit for beer.
C-2 - Carry-out permit for malt liquor, wine and mixed beverages.
D-1 - On premises consumption and carry-out of beer.
D-2 - On premises consumption and carry-out of malt liquor, wine and mixed beverages.
D-3 - On premises sale and consumption of spirituous liquor and wine. 1:00 A.M. closing.
D-3A- Allows holder of D-3 to operate same hours as D-5 holder.
D-4 - Club Permit. Sale to members only for on-premises consumption of beer, and intoxicating liquor.
D-5 - Beer and intoxicating liquor for on-premises consumption and carry-out, usually called "Night Club" license.

NOTE: Except for the D-3 permit, hours of sale and consumption are set by Liquor Control Commission regulation. (Regulation #49)

II. INFORMATION NECESSARY FOR ALL VIOLATIONS

1. Name of Permit Holder.
2. Address of Permit Holder.
3. Trade name of establishment.
4. Types of permits, permit file numbers, and alpha sequence numbers.
5. Date and hour of violation.
6. Specific charge or charges.
7. Name and address of person committing violation (Permit Holder, waitress, bartender, or employe, etc.).
8. Name and address of person in charge of establishment at time of violation.
9. Statements of permit holder or person in charge of permit premises as to violation.
10. Names and addresses of witnesses to violation with substance of testimony.

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11. Forward with above information, two (2) copies of Police Department General Offense Report regarding the investigation.

NOTE: Make written notes of your observations in your own handwriting as soon after the violation as possible. These will prove necessary both in court and before the Liquor Control Commission, especially if there is any lapse of time between the occurrence and the hearing. Retain even after completion of court or Commission hearing.

It is essential in writing the report and submitting the information in a Request for Citation that the report indicate: Who, What, When, Where, Why and How.

III. ARREST AND/OR REQUEST FOR CITATION

It is important to remember that the regulations of the Liquor Control Commission are only applicable to permit holders, and their agents and employes, and that the violation of any of them does not constitute a crime. Therefore, an arrest cannot be made under such regulation. Of course, when acts which constitute a violation of a regulation also constitute a violation of a state statute or a city ordinance (which makes such acts a crime), an arrest may be made. But where the acts are solely a violation of a Commission regulation, the proper recourse is a request for citation.

When it is desired that a Request for Citation be issued, all information should be given to the Agent-in-Charge of the district in which the violation occurred.

According to Revised Code Section 4301.25 (A), in the event there is an arrest and conviction of a permit holder, his agent or employe, for a violation of a section of Chapters 4301. and 4303. of the Revised Code, or for any felony, the Commission may suspend or revoke the permit, after a hearing, on the sole evidence of a certified copy of such conviction.

However, since under Section 4301.991 the convicting court is required to send a certified copy of a conviction of a permit holder, his agent or employe, only for a violation of Section 4301.01 to Section 4301.74 inclusive, of the Revised Code, occurring on the permit premises, there is the possibility that a conviction under a section of Chapter 4303. or for a felony will not come to the attention of the Department of Liquor Control. Accordingly, close liaison should be maintained between local police departments and the District Office. Local law enforcement officials are urged to help maintain this liaison by sending a note to the District Office when a permit holder, his agent or employe, has been convicted under one of the above sections or of a felony.

The above is also true where a permit holder, his agent or employe has been convicted under a municipal gambling ordinance (Reg. #53). Where the conviction is under a municipal ordinance it is necessary that a certified copy of the conviction.

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IV. HANDLING OF ALCOHOLIC BEVERAGES TO BE USED AS EVIDENCE IN THE ENFORCEMENT OF THE OHIO LIQUOR LAWS AND REGULATIONS

A. IN GENERAL

1. Intact Containers (Bottles or Cans)

It is not necessary to submit for analysis intact bottles of wine, mixed beverages, or spirituous liquor, or intact cans of beer and malt liquor (bottles of beer and malt liquor, even though intact, must be submitted for analysis). In such cases, if at all possible, the confiscating officer should maintain the evidence in his possession from the time of confiscation until the time it is offered into evidence, either before the Commission or in court.

2. Opened Bottles

All opened bottles that contain any perceptible amount of suspected alcoholic beverage should be stoppered and, where malt beverages are involved, the stopper should be taped securely with cellophane tape. This prevents gases forming in the bottle from blowing out the cork. After stoppering all opened bottles, they should be properly identified, sealed in the presence of a witness, and not reopened again until the contents are analyzed. All partial bottles of malt beverages should immediately be forwarded for analysis; however, when this is not feasible, they should be stored under refrigeration or otherwise kept cool until delivered for analysis.

3. Opened Containers (Glasses, cans, etc.)

Malt beverages confiscated in shell glasses, beer mugs, or opened cans, should be poured into a soft drink bottle or any similar type of bottle which can be stoppered and sealed with cellophane tape as in No. 2 above. However, before the entire contents are poured into the bottle, the bottle should be rinsed out with a small quantity of the confiscated liquor to prevent dilution of the sample. The bottle should immediately be identified and sealed by the confiscating officer in the presence of a witness and the glass or container from which it was poured should be fastened securely to the bottle.

Where the suspected beverage contains whiskey, gin or other spirituous liquors, in drinks, such as highballs and cocktails, immediately remove any ice that may be in the drink and handle as above except that refrigeration is not necessary.

Remember to fasten the glass which contained the drink to the bottle. When in doubt about a beverage, have it analyzed. Alcohol has been found in all types of beverages, including milk.

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4. Diluted or Contaminated Evidence

There have been instances where drinks have been poured into sink water, and it may become necessary to prove such a case. In instances of this type, measure the dimensions of the sink water and submit at least 12 ounces, properly identified and sealed, for analysis.

5. Evidence to be Used in Both Court and Commission Hearings

In all cases where the same evidence is to be used in prosecution before a local court, and also before the Liquor Control Commission, this evidence must be available until such time as both hearings are concluded.

B. LABELING AND MARKING OF EVIDENCE FOR LATER IDENTIFICATION

All evidence seized, including cartons, containers, paper bags, glasses, etc., to be used in the prosecution of the case, should immediately be sealed and labeled. The identifying label should include the following:

1. A description of the item.
2. Date.
3. Place.
4. Name and address of violator.
5. In cases where evidence is purchased, indicate amount paid, quantity purchased, and purchaser.
6. Names and addresses of witnesses.
7. Name of permit holder.
8. The name of the officer that confiscated the item.
9. Pertinent remarks.

These instructions have particular reference to paper bags, wrapping paper, beer cases, and glasses. Evidence submitted without a label may be discarded or destroyed when it is not known whether the item is actually a part of the evidence or merely a means of carrying the evidence. Identifying marks placed on the stopper or on the seal are necessarily destroyed by the chemist during the process of opening and resealing the bottle. Identifying marks should be placed on the brand label, or on a label securely fastened to the bottle.

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C. FORWARDING OF EVIDENCE FOR ANALYSIS

There is a fundamental law of evidence which requires continuity of possession of all evidence admitted into the court record. The chemical laboratory analyzing the evidence has no control or knowledge concerning it until such evidence reaches the laboratory. In order to avoid problems relative to continuity of possession, the police officer who confiscated the evidence and who is to testify concerning it, should personally deliver the evidence to the chemist for analysis. In any event, the number of persons handling the evidence should be kept to an absolute minimum.

If local police departments desire the assistance of the laboratory of the Department of Liquor Control in analyzing evidence, such evidence can be referred to the Department, keeping in mind the necessity of continuity of possession.

D. APPEARANCE OF DEPARTMENT OF LIQUOR CONTROL CHEMIST

In the event a local police department desires the appearance of a chemist of the Department of Liquor Control to testify in liquor cases, it is desirable that such requests be made at least three weeks prior to the date of the trial by writing the Laboratory, at the Central Office in Columbus. The written request should include all pertinent information such as the permit premises where the arrest was made, name of person arrested, name of permit holder, the exact time of the trial, the precise location where the trial is to be held, and information relative to the location of the evidence.

V. GENERAL INVESTIGATIVE TECHNIQUES

One of the most important talents of an investigator is the ability to mingle unnoticed in a group of people; therefore, an investigator's speech and dress must be in keeping with that of the people with whom he is associating.

The use of marked money is required in some courts, and even when not required, it is very helpful when introduced in evidence. When money is marked, the number of the bills and the method of marking them should be noted in a memoranda book, and the marking should take place in the presence of another investigator.

When a beverage is confiscated and a container is needed, use one which has a smooth surface so evidence labels and colored pencil markings readily adhere to it. Of course, before using, it must be clean and free from all foreign matter.

In connection with the above, it is always desirable to carry corks or metal sealing caps with you so that evidence may be quickly sealed without having to search the premises for something suitable.

After identifying yourself, confiscate the drink as quickly as possible and maintain it in your possession in order to keepit from being accidentally spilled.

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VI. MOST FREQUENT VIOLATIONS

In this section in the part headed "How Proven" under each violation set forth, the letter subdivisions in parentheses set out various modes of proving the same element. Accordingly, while only one of them is necessary, your case is stronger if more than one is obtained.

A. SALES TO MINORS

(Sec. 4301.22 (A) and 4301.69 Ohio Revised Code). "No beer shall be sold to any person unless he is 18 years of age; and no intoxicating liquor shall be sold to or handled by any person unless he is 21 years of age."

(Sec. 4301.631 Ohio Revised Code). (Prohibitions; minors under eighteen years.) "No person under the age of 18 years shall order, pay for, share the cost of, or attempt to purchase any beer or intoxicating liquor, or consume any beer or intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, in any public place, except as provided in Section 4301.69 of the Revised Code."

(Sec. 4301.632 Ohio Revised Code). (Prohibitions; minors under twenty-one years.) "No person under the age of twenty-one years shall order, pay for, share the cost of, or attempt to purchase any intoxicating liquor, or consume any intoxicating liquor, either from a sealed or unsealed container or by the glass or by the drink, except as provided in Section 4301.69 of the Revised Code."

(Sec. 4301.633 Ohio Revised Code). (Misrepresentation to obtain alcoholic beverage for a minor prohibited.) "No person shall knowingly furnish any false information as to the name, age, or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under eighteen years of age, or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift." (Sec. 4301.634 Ohio Revised Code). (Misrepresentation by a minor under eighteen years). "No person under the age of eighteen years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the department of liquor control or sold by the department of liquor control."

(Sec. 4301.635 Ohio Revised Code). (Misrepresentation by a minor under twenty-one years). "No person under the age of twenty-one years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining intoxicating liquor in any place in this state where intoxicating liquor is sold under a permit issued by the department of liquor control or sold by the department of liquor control."

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(Sec. 4301.636 Ohio Revised Code). (Violation a juvenile offense; fine.) "Any person under the age of eighteen years who violates Section 4301.631 or 4301.634 of the Revised Code, shall be apprehended and charged as being a juvenile delinquent and taken before the juvenile court in the county in which the violation occurred as provided in Section 2151.25 of the Revised Code. Upon conviction of any person under the age of eighteen years for a violation of Section 4301.631 or 4301.634 of the Revised Code, the juvenile court may impose a fine in the amount provided by division (C) of Section 2151.35 of the Revised Code."

(Sec. 4301.637 Ohio Revised Code). (Printed warnings to be posted on licensed premises.) "Every place in the state of Ohio where beer or intoxicating liquor is sold for beverage purposes, either under a permit issued by the department of of liquor control, or by the department of liquor control, shall display at all times, in a prominent place on the premises thereof, a printed card, which shall be furnished by the department of liquor control and which shall read substantially as follows:

WARNING TO PERSONS UNDER AGE
If you are under the age of 18

Under the statutes of the state of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume any beer or intoxicating liquor, or furnish false information as to name, age, or other identification, you are subject to a fine up to fifty dollars.

If you are under the age of 21

Under the statutes of the state of Ohio, if you order, pay for, share the cost of, attempt to purchase or consume intoxicating liquor, or furnish false information as to name, age, or other identification, you are subject to a fine of twenty-five to three hundred dollars, or imprisonment up to six months, or both.

Whoever being the holder of a permit issued by the department of liquor control, fails to comply with this section, shall, upon conviction thereof, be fined as provided in division (M)* of section 4301.99 of the Revised Code. "(M) Whoever violates section 4301.71, (4301.637) of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars."

(Sec. 4301.99 Ohio Revised Code). (Penalties.) "Whoever violates Sec. 4301.632; 4301.633; 4301.635 of the Revised Code shall be fined not less than twenty-five nor more than three hundred dollars or imprisoned not more than six months, or both."

MUST PROVE THE FOLLOWING:

1. Minor under 18 years of age (beer and/or intoxicating liquor); minor under 21 years of age (intoxicating liquor).
2. Sale or delivery by "Permit Holder or his Agent.

3. Beer; or intoxicating liquor.

HOW PROVEN:

1. (a) Minor must testify as to his identity.

   (b) Certified copy of Birth Certificate must be obtained. School affidavit not acceptable.

2. (a) Observation of officer.

   (b) Admission of minor; obtain written statement. Have minor identify person who sold to him; if possible in the presence of permit holder, his agent or employee.

   (c) Admission of seller.

   (d) Statements of witnesses.

   (e) Sales slip or cash register receipt.

3. Confiscate beverage for evidence and submit for chemical analysis to Department of Liquor Control Chemist, or local chemist.

NOTE: Seller's lack of knowledge of minority of purchaser is neither an element of the offense nor a defense thereto.

INVESTIGATIVE TECHNIQUES:

Checking Date of Birth of Suspected Minor: Birth Certificate: The date of the recording of the birth is within 60 days of the birth, if more there has been a change.

"Notice of Classification" card: The Selective Service Number appearing on this card consists of four blocks of numbers, the third block from the left containing the last two digits of the year of birth. This is not usually changed, while the date on the Registration Certificate may be. Both cards must, by law, be carried. Driver's License: Not of much value.

B. SUNDAY AND ELECTION DAY SALES

(Sec. 4301.22 (D) Ohio Revised Code; also Regulation 49 of Liquor Control Commission). "No sales of intoxicating liquor shall be made after 2:30 a.m. on Sunday or at retail on a primary or general election day between the hours of 6:00 a.m. and 7:30 p.m." "This section does not prevent a municipal corporation from adopting an earlier closing hour for the sale of intoxicating liquor on Sunday or to provide that no intoxicating liquor may be sold on Sunday."

NOTE: Such municipal ordinance, if adopted, is enforceable by local police only.

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MUST PROVE THE FOLLOWING:

1. Sale or delivery.

2. Intoxicating liquor.

3. Sunday (after 2:30 a.m.) or at retail on a primary or general Election Day between 6:00 a.m. and 7:30 p.m.

4. Definitions of primary and general election days.

    (a) Primary election day - is the first Tuesday after the first Monday in May.

    (b) General election day - is the first Tuesday after the first Monday in November.

HOW PROVEN:

1. (a) Observation of officer.

    (b) Undercover buy made by officer.

    (c) Statement of buyer.

    (d) Admission of seller.

    (e) Statements of witnesses.

    (f) Sales slip or cash register receipt.

2. Confiscate beverage for evidence and submit for chemical analysis to Department of Liquor Control Chemist, or local chemist.

3. (a) Check your time with Western Union or Telephone Company, and observe time on premises and call to attention of permit holder--protection against defense "My clock is fast, or set ahead."

    (b) Check time with fellow officers and note to permit holder.

NOTE: Eastern Standard Time must be used, and not Daylight Savings Time. You must be able to testify as to the correct Eastern Standard Time.

INVESTIGATIVE TECHNIQUES:

Since it may be that Sunday Sales are only made to regular patrons a "build-up" during the week is often necessary. That is, start going into a bar suspected of Sunday Sales on a week-day, and go there everyday at a time when the Sunday bartender is working. Order either malt liquor or spirituous liquor, staying with one brand every time.

C. AFTER-HOURS SALES AND/OR CONSUMPTION

(Summary of Regulation 49 Liquor Control Commission). "No beer or intoxicating liquor shall be sold or consumed between 1:00 A.M. and 5:30 A.M. on any day except on the premises of holders of D-3A or D-5 permits. D-3A and D-5 permit holders may not sell or allow consumption of beer or intoxicating liquor between 2:30 A.M. and 5:30 A.M. on any day. On Sunday, C-1, D-1, D-4 and D-5 permit holders may sell only 3.2% beer between 5:30 A.M. and midnight."

(Sec. 4303.15 Ohio Revised Code - Pertinent part). "No sales of intoxicating liquor shall be made by a holder of a D-3 permit after 1:00 A.M."

MUST PROVE THE FOLLOWING:

1. Time of sale and/or consumption.

2. Sale or delivery and/or consumption.

3. Beer or intoxicating liquor.

HOW PROVEN:

1. (a) Check your time with Western Union or Telephone Company and observe time and observe time on premises and call to attention of permit holder.

   (b) Check time with fellow officers and permit holder.

2. (a) Undercover buy made by officer, or consumption by officer.

   (b) Observation of sale and/or consumption.

   (c) Statement of buyer.

   (d) Admission of seller.

   (e) Statements of witnesses.

   (f) Sales slip or cash register receipt.

3. If Consumption:

   Identify person observed consuming; take written statement, obtain name, address, etc. Be absolutely sure that you can testify you actually observed at least one person consuming.

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4. Beer or Intoxicating Liquor:

Confiscate beverage for evidence and submit for chemical analysis; with respect to consumption, also be able to testify to the description of the confiscated drink; e.g., "a cold bottle partially filled," "the glass contained an amber-colored fluid and ice cubes," etc.

D. SALES TO INTOXICATED PERSONS

(Sec. 4301.22 (B) Ohio Revised Code). "No sales shall be made to an intoxicated person."

MUST PROVE THE FOLLOWING:

1. Sale or delivery.

2. Beer or intoxicating liquor.

3. Person purchasing was intoxicated when sale was made.

HOW PROVEN:

1. (a) Observation of officer.

   (b) Statement of buyer.

   (c) Admission of seller.

   (d) Statements of witnesses.

2. Confiscate beverage for evidence and submit for chemical analysis.

3. Your statements in court or before the Liquor Control Commission that the person purchasing was "drunk" or "intoxicated" are objectionable and in admissible as evidence without laying a foundation first. You will describe the person's physical appearance as you observed him. In doing so use descriptive words, e.g.:

   1. Bloodshot, or glassy eyes.

   2. Flushed complexion.

   3. Disheveled hair and clothing.

   4. Incoherent, garbled, slurred speech.

   5. Staggered when walking.

   6. Unsteady on his feet.

7. Odor of alcohol about his breath.

8. Boisterous, loud, profane.

9. Un-coordinated actions and movements, unable to pick up change, etc.

Use these and other descriptive words which are applicable.

You will be asked whether you have ever observed intoxicated persons in the past. If your answer is "Yes", you will be asked whether you have an opinion as to the purchaser's intoxication or sobriety, and then you will be asked what your opinion is. Answer each question separately.

NOTE: Be able to testify to the fact that the permit holder, his agent or employee was in a position to observe the appearance and actions of the drunk and make notes relative to what actions, indicating an intoxicated condition, took place in the presence of the permit holder, his agent or employee. This is necessary in order to prove actual or constructive knowledge that he did know or should have known that the purchaser was intoxicated when the sale was made. Furthermore, before presentation to the Liquor Control Commission, the purchaser should have been convicted of intoxication or at the very least, have had his bond forfeited for failing to appear in court to answer this charge. Charges against the seller for selling to an intoxicated person should be brought under Section 4301.22 (B) of the Ohio Revised Code. Where no sale has been made to an intoxicated person, use Commission Reg. #52 (prohibition against improper conduct); or, if the permit holder is on the premises, the charge should be brought under Section 4399.16, Ohio Revised Code (permitting drunkenness on the premises).

E. GAMBLING AND GAMBLING DEVICES

(Regulation 53 Ohio Liquor Control Commission). "Conviction in any court of competent jurisdiction of any holder of any permit, or of his agent or employee, or of any person, for keeping, exhibiting for gain, operating gambling devices, or conducting or permitting on such premises any games of chance, shall be grounds for suspension or revocation of such permit or permits. No person authorized to sell alcoholic beverages shall have, harbor, keep, exhibit, possess or employ or allow to be kept, exhibited or used in, upon or about the premises of the permit holder any device, machine, apparatus, book, records, forms, tickets, papers or charts which may or can be used for gaming or wagering or the recording of wagers, pools or chances on the result of any contest, or allow or conduct gaming or wagering on such premises on (of) any game of skill or chance."

NOTE: There are three elements necessary to constitute gambling:

1. Consideration, or price.

2. Game of chance.

3. Prize in connection with the game.

MUST PROVE THE FOLLOWING:

1. Permitting gambling on permit premises

and/or

2. Permitting gambling devices on permit premises

or

3. Conviction in a court of competent jurisdiction for gambling offense.

HOW PROVEN:

PERMITTING GAMBLING ON PERMIT PREMISES

1. (a) Observation by officer of gambling.
   (b) Undercover gambling by officer.
   (c) Statements of witnesses.
   (d) Admission of permit holder, his agent or employee.

PERMITTING GAMBLING DEVICES ON PERMIT PREMISES

It is not always necessary to observe the pay-off, i.e., the actual gambling. Where certain devices are exhibited, with knowledge, that alone is sufficient grounds for suspension or revocation of the permit. Examples of such types of devices: tip tickets, slot machines, lottery tickets, raffle tickets, slot boards, policy books, race horse slips, bingo cards and pinball machines which automatically give free plays upon player obtaining a certain score.

1. Observation by officer of exhibition of such devices.

2. Confiscation of these devices.

NOTE: Actual or constructive knowledge is necessary on part of permit holder, his agent or employee.

INVESTIGATIVE TECHNIQUES.

Look in wastebaskets and on floor for tip tickets, policy slips, etc.

LIQUOR CONTROL

CONVICTION IN COURT FOR GAMBLING OFFENSE

Must obtain a certified copy of the conviction. If the conviction is obtained under a city ordinance, a copy of the ordinance certified by the clerk must also be presented.

F. ENTERTAINMENT--PROHIBITION AGAINST IMPROPER CONDUCT

(Regulation 52, Ohio Liquor Control Commission). "No permit holder shall knowingly or willfully allow in, upon or about his licensed premises improper conduct or (of) any kind, type, or character; any improper disturbances, (;) lewd, immoral activities or brawls; or any indecent, profane, or obscene language, songs, entertainment, literature, pictures, or advertising materials; nor shall any entertainment consisting of the spoken language or songs which can or may convey either directly of by implication an immoral meaning be permitted in, upon or about the permit premises.

"Entertainment consisting of dancing, either solo or otherwise, which may or can, either directly or by implication, suggest an immoral act is prohibited. Nor shall any permit holer possess or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures, or advertising material."

MUST PROVE THE FOLLOWING:

1. Actual or constructive knowledge on the part of the permit holder, his agent, or employee.

2. Disorderly operation.

HOW PROVEN:

1. (a) Observation of officer.

   (b) Statements of witnesses and/or participants.

   (c) Admission of permit holder, agent or employee.

ACTUAL KNOWLEDGE: Where the permit holder, his agent or employee is somehow involved in improper activity.

CONSTRUCTIVE (IMPLIED) KNOWLEDGE: That knowledge which is charged to the permit holder where a reasonable prudent person acting under similar circumstances would have known from the existing conditions. Actual or Constructive Knowledge may be imputed to the permit holder through his agent or employee acting within the scope of his employment.

2. (a) Observation of officer.

   (b) Statements of witnesses and/or participants.

(c) Admissions of permit holder, agent or employee.

EXAMPLES OF PROHIBITED, IMPROPER CONDUCT

1. Fights and brawls.
2. Improper handling of firearms, knives, and other weapons.
3. Loitering of intoxicated persons.
4. Use of obscene or profane language.
5. Operating a permit premise while in an intoxicated condition.
6. Possession of lewd, immoral, indecent or obscene literature.
7. Indecent and obscene entertainment.
8. Solicitation by prostitutes.

INVESTIGATIVE TECHNIQUES.

If approached by a prostitute, try to get the permit holder or agent or employee in the conversation; ask him if she's "clean," etc.

G. SOLICITATION OF PATRONS

(Regulation 59, Ohio Liquor Commission). "The holder of a permit issued by the Department shall not, nor shall any of his agents or employees solicit or in any manner approach a patron for the purchase of drinks of beer or intoxicating liquor for himself or such agent or employee or any other person. The holder of a permit issued by the Department shall not permit any person not in his employ to solicit or in any manner approach a patron for the purchase of drinks of beer or intoxicating liquor either for himself or for any other person."

MUST PROVE THE FOLLOWING:

1. Solicitation by permit holder or agent; or allowing patron to solicit.
2. Beer or intoxicating liquor.

HOW PROVEN:

1. (a) Observation of officer.

   (b) Admission of solicitor.

   (c) Statement of person solicited.

LIQUOR CONTROL

(d) Undercover officer being solicited on premises.

2. The solicitation must be for an alcoholic beverage of some type. If at all possible, confiscate the beverage for evidence and submit it for chemical analysis. The case is strengthened by confiscating the alcoholic beverage but it will not be fatal to the case if the beverage is not obtained.

NOTE: The gravamen of the offense is the solicitation and not the acutal receipt of the alcoholic beverage.

INVESTIGATIVE TECHNIQUES:

The lead must come from the patron or employee; if she says, "I'm thirsty," don't say "What'll you have?" Have the B girl ask for a drink of scotch, bourbon, etc., and not just for a "a drink" in order to get a clear-cut violation of this section. When a B girl sits next to you, and you order a drink for yourself, don't leave more money than necessary to pay for your drink on the bar. The bartender may pour one for the B girl and take the price out of your money without asking you on the pretense that he "thought" you were buying a drink for the woman seated next to you.

H. DILUTION AND REFILLING

(Sec. 4301.68 Ohio Revised Code). "No person shall sell, offer for sale, or possess intoxicating liquor in any original container which has been diluted, refilled, or partly refilled."

(Regulation 47, Ohio Liquor Control Commission). "No holder of a permit authorizing the sale by the glass, or any agent or employee thereof, shall refill any bottle formerly containing alcoholic beverages."

"No permit holder, by himself, his agent or employee, shall sell or deliver to any patron any brand or variety of alcoholic beverage other than that which has been ordered or requested, without the consent or approval of such patron."

MUST PROVE THE FOLLOWING:

1. Diluting, refilling of intoxicating liquor in original container or refilling any bottle formerly containing alcoholic beverages.

2. Sale, offer for sale, or possesssion.

HOW PROVEN:

1. (a) Observation of officer of the actual refilling or dilution, which is substantiated by chemical analysis.

   (b) Confiscation of a bottle, suspected of being refilled, which is proved by chemical analysis.

LAW ENFORCEMENT OFFICER TRAINING

NOTE: Refilled bottles will often appear to be more used (dirty, greasy label, etc.), than the other bottles of liquor.

2. (a) Observation by undercover officer of a sale from this bottle.

   (b) Bottle placed on shelf with other bottles, from which drinks are sold.

NOTE: Be sure to remember the exact place in which the bottle was situated before confiscation, for this reason.

   (c) Statements of witnesses.

   (d) Admission of permit holder, his agent or employee.

I. BOOTLEGGING

(Sec. 4301.58 (B) Ohio Revised Code). "No person, by himself or by his clerk, agent, or employee, who is not the holder of a B, C, D, E, F, G, or I permit issued by the department, in force at the time, and authorizing the sale of beer, intoxicating liquor, or alcohol, or who is not an agent or employee of the department or the tax commissioner authorized to sell such beer, intoxicating liquor, or alcohol, shall sell, keep, or possess beer, intoxicating liquor, or alcohol, for sale to any persons other than those authorized by Chapters 4301. and 4303. of the Revised Code to purchase any beer or intoxicating liquor, or sell any alcohol at retail."

(Sec. 4301.99 Ohio Revised Code). "Whoever violates Division (B) of Sec. 4301.58 of the Revised Code shall be fined not less than one hundred nor more than one thousand dollars or imprisoned not less than 10 days nor more than 6 months, or both. Whenever a person is found guilty of violating Division (B) of Sec. 4301.58 of the Revised Code, the Court, in sentencing such person, shall not remit or suspend, in whole or in part, the penalty provided by this division for such violation."

MUST PROVE THE FOLLOWING:

1. Person not the holder of a proper permit.
2. Sale or delivery, keep, or possesses.
3. Intoxicating liquor or beer.

HOW PROVEN:

1. Testimony of representative of Department of Liquor Control, if necessary, as to lack of proper permit.
2. (a) Observation of officer.

   (b) Undercover buy made by officer.

   (c) Statement of buyer.

   (d) Admission of seller.
3. Confiscate beverage for evidence and submit for chemical analysis.

LIQUOR CONTROL

J. KEEPER OF A PLACE WHERE INTOXICATING LIQUORS ARE SOLD, FURNISHED, OR GIVEN AWAY IN VIOLATION OF LAW

(Sec. 4399.09 Ohio Revised Code). "No person shall keep a place where intoxicating liquors are sold, furnished, or given away in violation of law. The court, on conviction for a subsequent offense shall order the place where such liquor is sold, furnished, or given away to be abated as a nuisance, or shall order the person convicted for such offense to give bond payable to the state in the sum of one thousand dollars, with sureties to the acceptance of the court, that such person will not sell, furnish, or give away intoxicating liquor in violation of law, and will pay all fines, costs, and damages assessed against him for such violation. The giving away of intoxicating liquors, or other devices to evade this section, constitutes unlawful selling."

MUST PROVE THE FOLLOWING:

1. Place not a permit location.
2. Sale or delivery.
3. Intoxicating liquor.
4. Previous offense.

HOW PROVEN:

1. Testimony of representative, Department of Liquor Control, if necessary, as to lack of proper permit.
2. (a) Observation of officer.
   (b) Undercover buy made by officer.
   (c) Statements of buyer.
   (d) Statements of seller.
3. Confiscate beverage for evidence and submit for chemical analysis.
4. Certified copy of Journal Entry of previous offense.

INVESTIGATIVE TECHNIQUES:

In order to determine who the "Keeper" is, look at Court records for ownership, leases, also rent receipts, bills for supplies, name on the Federal Retail Liquor Dealer's Stamp, if any, and utility bills.

LAW ENFORCEMENT OFFICER TRAINING

K. CONSUMPTION OF BEER OR INTOXICATING LIQUOR IN A MOTOR VEHICLE

(Sec. 4301.64 Ohio Revised Code). "No person shall consume any beer or intoxicating liquor in a Motor Vehicle."

MUST PROVE THE FOLLOWING:

1. Consumption in motor vehicle.

2. Intoxicating liquor or beer.

HOW PROVEN:

1. (a) Observation of officer.

   (b) Admission of consumer.

   (c) Observation of witnesses.

2. Confiscate beverage for evidence and submit for chemical analysis.

L. OPEN CONTAINER OF INTOXICATING LIQUOR PROHIBITED

(Sec. 4301.62 Ohio Revised Code). "No person shall have in his possession an opened container of intoxicating liquor in a State Liquor Store, or on the premises of the holder of any permit issued by the Department of Liquor Control, or any other public place. This section does not apply to intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-2, D-2, D-3A, D-4 and D-5 permit."

MUST PROVE THE FOLLOWING:

1. Possession of open container.

2. Intoxicating liquor.

3. In State Liquor Store, on permit premises, or any public place without one of named permits.

HOW PROVEN:

1. (a) Observation of officer.

   (b) Admission of person in possession of open container.

   (c) Statements of witnesses.

2. Confiscate beverage for evidence and submit for chemical analysis.

3. (a) Observation of officer.

   (b) Admission of person in possession of open container.

   (c) Statements of witnesses.

M. POSSESSION OF SPIRITUOUS LIQUOR ON CERTAIN PREMISES PROHIBITED

(Regulation 55, Ohio Liquor Control Commission). "No holder of a permit authorizing only the sale of beer, malt liquor, mixed beverages or wine shall have, keep or possess any spirituous liquor upon said permit premises; nor allow any employee, or any patron or other person so to do, for personal use, or for any other purpose whatsoever."

MUST PROVE THE FOLLOWING:

1. Possession on permit premises.

2. Spirituous liquor.

3. Lack of proper permit.

HOW PROVEN:

1. (a) Testimony of confiscating officer.

   (b) Statements of witnesses.

   (c) Admission of permit holder, agent or employee.

2. Chemical analysis.

3. Testimony of Department of Liquor Control representative to permit held.

INVESTIGATIVE TECHNIQUES:

The "Build-Up" process is often necessary in this violation.

N. OBSTRUCTING, HINDERING, SEARCH OF PREMISES

(Sec. 4301.66 Ohio Revised Code). "No person shall hinder or obstruct any agent or employee of the Department of Liquor Control, or any officer of the law, from making inspection or search of any place, other than a bona fide private residence, where intoxicating liquor is possessed, kept, sold or given away."

(Regulation 62, Ohio Liquor Control Commission). "Any holder of a permit issued by the Department upon presentation of credentials by an investigator or inspector of the Department shall at all times immediately admit such investigator to the permit premises for any lawful purpose."

Training Procedure No. 34

LAW ENFORCEMENT OFFICER TRAINING

"No holder of a permit shall personally or by an agent or employee assault an investigator or inspector of the Department or incite an assault by others upon such investigator or inspector of the Department or allow patrons or others to interfere with an inspection or investigation of the permit premises."

MUST PROVE THE FOLLOWING:

1. Proper presentation of credentials by agent or employee at Department of Liquor Control or other law officer.

2. Intoxicating liquor kept, possessed, sold or given away.

3. By permit holder, agent or employee, or customer.

4. Not a bona fide private residence.

5. Hindering or obstructing.

HOW PROVEN:

1. (a) Testimony of officers.

    (b) Statements of witnesses.

    (c) Admission of person in charge of premises.

2. (a) Confiscation of intoxicating liquor from premises.

    (b) Statements of witnesses.

    (c) Admission of person in charge.

    (d) If necessary, testimony of representative of Department of Liquor Control as to permit if charged under regulation.

    (e) Admission of permit holder.

3. (a) Testimony of officers.

    (b) Statements of witnesses.

    (c) Admission of person in charge, permit holder, or customer.

4. (a) Testimony of officers.

    (b) Statements of witnesses.

    (c) Admission of person in charge.

LIQUOR CONTROL

(d) Admission of permit holder.

NOTE: Under Section 4301.66: Facts of people gathered, juke box, cash register, various classes of contraband, etc.

Under Regulation 62: Used directly or indirectly in the business; may be shown from application for permit.

5. (a) Testimony of officers.

(b) Statements of witnesses.

(c) Admission of person in charge.

(d) Admission of permit holder.

NOTE: Verbal abuse is not enough; must be a threat of physical blocking.

O. SUSPENSION OR REVOCATION OF A PERMIT (Other Sufficient Cause)

(Sec. 4301.25 Ohio Revised Code). "The Liquor Control Commission may suspend or revoke any permit issued pursuant to Chapters 4301. and 4303. of the Revised Code for the violation of any of the applicable restrictions of such chapters or any lawful rule or regulation of the Commission or other sufficient cause, and for the following causes:

(A) For conviction of the holder or his agent or employee for violating a section of Chapters 4301. and 4303. of the Revised Code or for a felony;

(B) For making any false material statement in an application for a permit;

(C) For assigning, transferring, or pledging a permit contrary to the rules and regulations of the Commission;

(D) For selling or promising to sell beer or intoxicating liquor to a wholesale or retail dealer who is not the holder of a proper permit at the time of the sale or promise;

(E) For failure of the holder of a permit to pay an excise tax together with any penalties imposed by law relating thereto and for violation of any rule or regulation of the department of taxation in pursuance thereof."

NOTE: Amended House Bill No. 120 was passed and became effective September 28, 1965, and this bill amended Ohio Revised Code Sections 2905.32, 2905.33 and 2905.34 which pertained to the "Selling or Giving Away of Drugs or Nostrums to Prevent Conception." Section 2905.32 was amended by removing the wording from the statute as follows: "-or for preventing conception",

"-. This amendment now legally permits the possession and sale of articles to prevent conception, therefore, the possession and sale of contraceptives on permit premises can no longer be the basis for a citation before the Ohio Liquor Control Commission.

"Permitting a Minor to Consume" is also presecuted by a citation before the Liquor Control Commission under Ohio Revised Code Section 4301.25, "Other Sufficient Cause".

MUST PROVE THE FOLLOWING:

1. Minor under 18 years of age consuming beer and/or intoxicating liquor; minor under 21 years of age consuming intoxicating liquor.
2. Actual consumption by minor.
3. Beer: or intoxicating liquor.
4. Knowledge by the permit holder, his agent or employe that subject was a minor and that subject was consuming.

HOW PROVEN:

1. Identity and age of minor.
2. Witnessing of actual consumption by officer.
3. Admission of minor, obtain written statement and have minor identify the person who served or furnished the beverage.
4. Admission of server or furnisher.
5. Confiscate beverage for evidence and submit to chemist for analysis.
6. Proof of knowledge on the part of permit holder, his agent or employee that the minor was consuming.

NOTE: There is a possibility that other circumstances that occur on a permit premise such as:- conviction of the permit holder, his agent or employee for violation of a municipal ordinance or a State Law may fall into the category of "Other Sufficient Cause," however, each of these types of cases would have to be considered separately on the set of fact and details of what occurred in connection with the operation of the permit premise. Full details of the offense should be forwarded to the nearest District Enforcement Office of the Ohio Department of Liquor Control for review and consideration for possible citation before the Liquor Control Commission for "Other Sufficient Cause".

VII. LIQUOR PADLOCK LAW

The following information is furnished as a guide for local law enforcement agencies and can be used against both permit premises and non-permit premises which are the source of constant violations of law and constant complaints and police action.

APPLICABLE CODE SECTIONS

(A) Ohio Revised Code Sections 4301.73, 4301.74, and 4301.99.

Training Procedure No. 34

LIQUOR CONTROL

WHAT THE CODE SECTIONS DO

(A) Section 4301.73 provides that if in certain designated places beer or intoxicating liquor "is manufactured, sold, bartered, or possessed, or kept in violation of law" then the place and all property "kept and used in maintaining the same" and designated "for the unlawful manufacture of beer and intoxicating liquor" plus any beer or intoxicating liquor kept in such place is declared a common nuisance. Section 4301.73 of the Revised Code further provides that an action may be brought to enjoin such nuisance which action can result in the place being closed for one year.

WHO CAN BRING THIS ACTION

(A) Section 4301.73 of the Revised Code provides that an action may be brought in the name of the State of Ohio (without the filing of a bond) by the following officer(s):

(a) Attorney General of Ohio.

(b) The Prosecuting Attorney.

(c) The Law Officer of any Municipality.

(d) The Department of Liquor Control.

WHERE AND HOW THIS ACTION CAN BE BROUGHT

(A) Section 4301.73 of the Revised Code provides that this action will be brought in any court having equity jurisdiction. However, Section 3767.04 of the Revised Code provides that all injunction actions against nuisances shall be brought in the common pleas court of the county where the nuisance is located. It is therefore necessary that this action be brought in your common pleas court.

WHAT ACTION WILL THE COURT TAKE

(A) If it appears, by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, then a temporary injunction "shall forthwith issue" restraining the defendant from conducting or permitting the continuance of such nuisance.

Most of the courts in Ohio will also issue a temporary padlock order until a hearing can be held.

If asked for, an injunction restraining the removal of anything used in connection with the violation will likewise issue. The court need not find that the property involved was being unlawfully used at the time of the trial but only that the material allegations of the petition are true. Upon finding such to be the case at the hearing the court may order the abatement of the nuisance and further order that the property may not be used or occupied for a period of one year. However, the court in its discretion may allow any lawful use of the property provided a bond is posted assuring the lawful operation of the property.

VIII. GAMBLING PADLOCK LAWS

APPLICABLE CODE SECTIONS

(A) Ohio Revised Code Sections 2915.02 and 2915.03.

WHAT THE CODE SECTIONS DO

(A) Section 2915.02 of the Revised Code of Ohio provides in part as follows:

> "Any room, house, building, boat, structure or place used or kept for the purpose of gambling in violation of law, or in which such gambling is conducted or permitted, is hereby declared to be a common nuisance."

It further provides that an action can be brought to enjoin such nuisance and to obtain a "padlock" order, which action can result in the place being closed for one year.

WHO CAN BRING THIS ACTION

(A) Section 2915.02 of the Revised Code of Ohio provides that the action may be brought in the name of the State of Ohio (without the filing of a bond) by any of the following officers:

(a) The Law Officer of any Municipality.

(b) The Prosecuting Attorney.

(c) The Attorney General (with or without the request of the Governor.)

WHERE AND HOW THIS ACTION CAN BE BROUGHT

(A) This action can be brought in any court of equitable jurisdiction in the county in which the nuisance to be abated is located. Owing to the similarity between Section 2915.02 and Section 4301.73 of the Revised Code it is felt that with some slight changes the same type of pleading as is used in the liquor padlock can be used in the gambling padlock.

NOTE: It is to be noted that this statute requires the court to find that the property constituted a nuisance as well as to find that the material allegations of the petition are true. It is advised, therefore, that your petition include a request that the court find such place "constituted a common nuisance."

WHAT ACTION THE COURT WILL TAKE

(A) Section 2915.02 of the Revised Code provides that if the court finds "by affidavits or by competent testimony" that such nuisance exists, then a temporary injunction may issue restraining the defendants from conducting or permitting such nuisance until the case shall be heard upon its merits.

(a) If requested, an order may also issue restraining the defendant and all other parties claiming a right or interest in the property from removing any property used in the operation or maintenance of the nuisance.

(B) In the event the court finds, upon a hearing, that the "property constituted a common nuisance" (Section 2915.02) and that the allegations of the petition are true it may order the property not to be used or occupied for a period of one year. However, the court may allow lawful use of the property provided a bond is posted assuring the lawful behavior and operation thereof.

The court need not find that the property involved was being unlawfully used at the time of the trial.

(C) If either the temporary or permanent injunction is violated "the court, or in vacation, a judge thereof, may summarily try and punish the offender." This is done under the authority of Section 2915.03 of the Revised Code of Ohio. The proceedings are commenced with the filing of information under oath with the clerk of the court from which the injunction issued. While trial may be had upon affidavits, either party may demand the production and oral examination of the witnesses. The penalty is provided in Section 2915.03 of the Revised Code of Ohio which reads as follows:

> "***Any person found guilty of contempt under this section shall be fined not less than five hundred nor more than one thousand dollars or imprisoned not less than thirty days nor more than twelve months, or both."

IX. MISCELLANEOUS SECTIONS OF THE OHIO REVISED CODE RELATED TO THE OPERATION OF PERMIT PREMISES

(Sec. 2903.02 Ohio Revised Code). (Permitting Minors to Play Pool or Billiards.) "No owner or keeper of a billiard***parlor, or owner or keeper of a billiard table at any other public place shall permit a minor under the age of eighteen years to play billiards or pool, or be and remain in such***parlor or public place. Provided, a minor under eighteen years of age, when accompanied by either parent or his legal guardian may be permitted to play both billiards and pool, or be and remain in such parlor or public place. And provided further that an adult person, who is in charge of a group of minor children under the age of eighteen years, may bring such group into a billiard or pool parlor for the purpose of permitting them to play both billiards and pool or be in and remain in such a parlor or public place so long as they remain under the supervision and control of such adult person.

LAW ENFORCEMENT OFFICER TRAINING

"Whoever violates this section shall be fined twenty dollars for a first offense; for each subsequent offense such person shall be fined fifty dollars.

"For the fine and costs in a prosecution under this section, the billiard table and fixtures at the place where the violation occurred are liable on execution without exemption."

(Sec. 4399.16 Ohio Revised Code). (Tavern Keeper Permitting Rioting or Drunkenness.) "No tavern keeper shall permit rioting, reveling, intoxication or drunkenness in his house or on his premises."

Penalty: - Fine of not less than $5.00 nor more than $100.

NOTE: This charge can be placed against the permit holder, not the manager or his agent, or employee.

(Sec. 4109.12 Ohio Revised Code). (Employment of Child Under Eighteen Prohibited in Certain Work.) "No child under eighteen shall be employed or permitted to work:

(N) In any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled.

(O) In any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold, except that a person between the ages of sixteen years and eighteen years, enrolled in an accredited course in domestic science in a bona fide school, may be permitted to supplement such course of study by practical training in a cooperative training program between any hotel, or restaurant and such school."

NOTE: If a minor 18 years and over is employed in a permit premise, they can not participate in any manner in the handling, sale, or delivery of malt liquor, mixed beverage, wine or spirituous liquor.

Conviction of the above section of the Ohio Revised Code in any court of competent jurisdiction shall be the basis for a citation before the Ohio Liquor Control Commission and shall be grounds for suspension or revocation of the permit.

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

NARCOTICS

TIME ALLOTTED: 8 hours

INTRODUCTORY INFORMATION:

We are experiencing a social phenomenon today more insidious in nature than can be imagined. We call it drug abuse, whereas, its proper title should be younger generation genocide. The percentage of drug abusers continues to increase each year. Another alarming fact is that the age (10-11-12 year olds) of the abuser is getting younger and younger.

There are two defensive or offensive mechanisms at work today in an attempt to eradicate drug abuse. They are education and enforcement. Education functions on the premise that the more known about drug abuse the less likely the chance of addiction. If statistics are a measuring device, it can be validated that education, alone, is not the answer. Enforcement, alone, is not the answer either. The number of narcotics use arrests continues to climb each year, but not proportionately with the increase in users. Maybe through the combination of education and enforcement and any other means to be developed the problem can be dealt with more effectively. It goes without saying that law enforcement must diligently try to eliminate the problem. Probably the most effective method to be used by law enforcement is to dry-up the source of illicit drugs.

PART I

IDENTIFICATION OF DRUGS

I. GENERAL.

A. INTRODUCTION -- Study will be confined to more common drugs, divided as:

1. Opium and its derivatives
2. Synthetic Opiates
3. Coca Leaves
4. Marihuana (Cannabis Sativa)

Examination of samples will aid in identification.

B. DEFINITIONS

1. Narcotic Drugs. Under the Federal Law, 26 USC 4731-a of the Internal Revenue Code, the words "Narcotic Drugs" shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:
    a. Opium, isonipecaine (Trade name "Demerol or Meperidine") Coca Leaves, and Opiate;
    b. Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate;
    c. Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clauses (a and b).

2. Marihuana. Under the Federal Law, 26 USC 4761-(2) of the Internal Revenue Code, the term "Marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resins; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

II. OPIUM AND ITS DERIVATIVES

A. GENERAL

1. Addiction to opium now seldom encountered in United States.

LAW ENFORCEMENT OFFICER TRAINING

B. ORIGIN
  1. Opium poppy known and cultivated in Asia Minor and Europe for over 4000 years.
  2. Cultivated in central Europe for seed (pastry), opium and flowers. Best quality and greater quantity produced in Asia Minor, chiefly Turkey and India. Also produced in China, India, and other countries of Asia.
  3. Cultivation prohibited in United States at present time.

C. DISTRIBUTION
  1. Distribution and production in various countries at different periods of time.
  2. Introduction into China in 17th century.
  3. Medical supply for United States comes from Turkey and India.

D. COLLECTING OPIUM
  1. Description of collection of opium from poppy plant: incising poppy capsule. (Exhibition of dried poppy capsule.)
  2. Gathering latex and drying.
  3. Odor of crude opium. (Exhibition of sample of crude opium.)

E. SMOKING OPIUM
  1. Boiling process to remove impurities in preparing smoking opium or prepared opium.
  2. Color - dark brown in appearance, similar to thick molasses. When dry becomes hard and brittle.
  3. Must be retained in sealed metal or brass containers.
  4. 1 and 5-tael tins described. (1-1/3 oz. & 6-2/3 oz)
  5. Sweetish odor. Once burning opium has been smelled it is easily recognized again. (Sample of opium burned for odor.)

F. OPIUM SMOKING EQUIPMENT
  1. Requires elaborate preparation for smoking.
  2. Most difficult to conceal because of odor.
  3. Equipment:
     a. Peanut oil lamp
     b. Yen-hock (long metal needle)
     c. Opium pipe - Long stem; Detachable bowl; 'Gee-Rag'
     d. China cup or 'horn' receptacle for removing residue (Yen-shee) from pipe bowl.

G. YEN-SHEE
  1. Yen-Shee, opium dross or residue left in pipe after smoking.
  2. Residue contains morphine and can be used again.
  3. Residue generally mixed with water and evaporated; can be smoked again.
  4. Yen-shee often mixed with tea or wine and drunk.

IDENTIFICATION OF DRUGS

H. MEDICINAL OPIUM

1. "In spite of their addiction liability, opium and its component alkaloids have continued to be among the most useful drugs available to the physician." (Swan, J.: The Entire Works of Dr. Thomas Sydenham, Third Edition. London.)
2. More common preparations:
    a. Powdered opium Extract
    b. Ipecac & Opium
    c. Tincture of Opium (Laudanum)
    d. Paregoric (Camphorated tincture of opium)

I. MORPHINE

1. Morphine principal derivative of opium.
2. Until the nineteenth century only crude opium preparations were known.
3. Morphine isolated in 1806 by German apothecary Serturner - later called morphine -- a name derived from Morpheus, the god dreams of Greek Mythology.
4. Later additional alkaloids isolated - Codeine in 1832, others later.
5. Legally imported opium yields not less than 9.5% morphine.
6. For medicinal purposes Morphine appears as Morphine Sulphate, Morphine Hydrochloride and Morphine Tartrate.
7. Morphine Sulphate - white crystalline powder, light porous cubes, small soluble white tablets. Tablets contain from 1/12 to 1/2 grains. 1 to 2 grain sizes in veterinary medicine. Also comes in form of colorless sterile solution.
8. It does not have any distinguishing odor.
9. Morphine Hydrochloride, - white silky glistening needles, or cubical masses, or white crystalline powder soluble in water or alcohol
10. Morphine Hcl - rarely used in the United States.
11. Morphine Tartrate - also white crystalline powder, but commonly used in water solution in the "Morphine Syrette".

J. HEROIN

1. Heroin - (Diacetylmorphine) produced from morphine; first produced commercially in Germany in 1898.
2. Most popular drug of addiction.
3. Heroin produces a quicker and graver addiction than Morphine.
4. Average medical dose for morphine 1/4 gr. or less - for Heroin 1/12 grain (when it was legally manufactured.)
5. Description - white, off-white, or light-brown crystalline powder; usually fine in texture.
6. Mexican Heroin - light brown in color similar to color of Ipecac and Opium, or morphine base.
7. It is odorless, often similar in appearance to milk sugar.

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8. Adulteration - because of its powerful (euphoric) effect, heroin is almost adulterated. Permits profit increase.
9. It is commonly adulterated with milk sugar and quinine.
10. Seizures of heroin often test 4%, 2%, or even 1%, or less.
11. Heroin sold in 1 ounce or smaller size glasine paper bags by wholesale peddlers - retailers handle in paper "decks", "bindles" and clear or red capsules, usually No. 5 capsules.
12. WARNING - never taste heroin or other drugs to identify them.

K. CODEINE

1. Codeine considered least addictive of the 3 opium derivatives. Discovered in 1832.
2. Very important for medical purposes - prescribed extensively.
3. Resorted to by addicts only when more powerful opiates not available.
4. Description - Codeine occurs as odorless, white crystals, as crystalline powder, or in form of tablets.
5. Codeine occurs naturally in opium, but is produced from morphine.
6. Codeine phosphate is more soluble in water than codeine sulphate.

L. OTHER OPIUM DERIVATIVES

1. A few more common narcotic drugs encountered in investigation of thefts from drug stores, physicians, hospitals, etc.
   a. Dilaudid
   b. Dionin
   c. Papaverine
   d. Pantopon
   e. Morphine & Atropine
   f. Apomorphine
2. Dilaudid a popular drug with addicts; frequently desired drug on prescription forgeries.
3. Paregoric - (Camphorated tincture of opium). Paregoric often resorted to by addicts when other narcotics not available.
4. Paregoric can be 'cooked down' by process and small amount of opium obtained is often used hypodermically by addict.

M. TEST FOR OPIUM DERIVATIVES

1. Preliminary "field test" may be helpful in identifying an opium derivative by use of Marquis reagent, but is not positive.
2. Analysis should always be made by qualified chemist.
3. An opium derivative subjected to Marquis reagent will soon show a purple or reddish-purple or violet color.
4. A small box of sealed glass tubes containing small amount of reagent often carried by Narcotic Agents for quick field test. (Demonstrate acid tests on various derivatives with class participation.)

IDENTIFICATION OF DRUGS

III. SYNTHETIC OPIATES

A. DEMEROL (and others)

1. Demerol (Isonipecaine, Meperidine, Pethidine, etc.) a trade name, a total synthetic analgesic was reported in 1939.
2. Demerol (Pethidine) is very popular in practice of medicine at present time.
3. 'Dolophine', 'Adanon', 'Amidone', 'Methadon' (trade names for Methadone) 'Levo-Dromoran', 'Dromoran' (trade names for Levorphan) are some of the more common synthetic opiates in addition to Demerol. (Pethidine)
4. All of these synthetic preparations occur as white powder, various size white tablets, and in sterile solution, and are odorless. (Exhibit samples)

IV. COCA LEAVES

A. COCA LEAF

1. Coca leaves are the product of the tropical plant coca bush. They are cultivated in Peru, Bolivia, Java, Formosa, and Japan.
2. In South America they are grown on special coca plantations, in low lands and sheltered places in mountains.
3. In Peru crop gathered 4 times in one year.
4. Coca leaves are used for manufacture of flavoring extracts, cocaine, and for chewing.

B. COCAINE

1. Cocaine occurs as a colorless, odorless, white, fluffy, fine crystals similar to snow in appearance, as a white crystalline powder or in sterile clean solution; also tablets.
2. Medicinal use - local anesthetic. (Eye, Ear, Nose, and Throat practitioner.)
3. Cocaine user administers drug by sniffing through nose.
4. "Speed-balls" for hypodermic use by addicts sometimes made by mixing cocaine and heroin.

V. MARIHUANA (Cannabis)

A. MARIHUANA PLANT

1. Growth - Marihuana grows in all parts of the United States, usually by wild growth. Cultivated in many countries for hemp fiber.
2. It has been cultivated for fiber production in United States, but none is being grown for this purpose at present time.

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B. HISTORICAL

1. Authorities have identified its use by ancient civilizations as Indian Hemp (Marihuana).
2. Ancient historical writings contain references to hemp.
3. "Bhang and Hashish" are frequently mentioned in Arabian Nights.
4. Moslem shieks knew and used its power on their disciples. Atrocious acts by Mussulman warriors committed under its influence.

C. DEFINITION

1. Marihuana is the Mexican name for the dried flowering or fruiting tops of the plant Cannabis Sativa L., commonly called Indian Hemp.
2. In various localities it is known by various names - Bombay tops, Bhang, Ganja, Siddi, Sabsi, (India), Takrouri (Tunisia), Hashish, (Turkey, Syria, Persia, and Egypt), Charas, (Central Asia, Chinese Turkestan). Mexican name Marihuana by which it is known in Latin and North America.

D. IDENTIFICATION

1. Identification can be made by use of microscope.
2. Helpful information in description and photos in pamphlet "MARIHUANA, ITS IDENTIFICATION" furnished in this course.
3. An almost positive identification can be made with reasonable experience by identifying the "cystolith hairs" on particles by microscope at 100 to 111 magnification.
4. Again final analysis should be made by qualified chemist.
5. The dried pulverized fragments of the leaf and flowering top usually retain their green color, but may also become brown or brown-spotted, depending upon gathering time, and curing methods.
6. Any noticeable odor is often similar to other dried plants or leaves and is no proof of identification.
7. Becoming familar with the characteristics of the small egg-shaped "SEED" should be helpful when found in suspected material.
8. The SEED have encircling ridges with motley lacy markings on the surface.

E. DESCRIPTION OF PLANT

1. Plant is an "annual", growing each year from seed.
2. Stalk attains a height of 3 to 16 feet - usually 4 to 6 feet.
3. The general appearance varies according to local soil and climate conditions and proximity of other plants during growth.
4. The uncrowded plant has numerous branches.
5. BRANCHES occur at opposite points on the stalk, with alternate pairs at right angles at intervals going up the stalk.
6. LEAVES. Each of the larger leaves consist of 5 to 11 separate leaflets, all starting at same point from the stem. Each leaflet

is serrated (with notched edges) and veined. The upper side is deep green and lower side lighter green. Leaves are smaller at top of plant. (Exhibit sample of leaf)

7. MALE flowering top. Marihuana is bisexual. The male flowers appear conspicuously in sprays about 6 inches in length at top.
8. FEMALE flowering top. At the end of each stalk and branch of the female plant as it reaches maturity, small leaves, twigs, flowers and the fruit appear in abundance. The hulls or 'pods' enclosing the fruit or seed are green and sticky to the touch. The female flowers are inconspicuous. The top leaves, tops of the stalks including the blossoms of the female species of the plant at maturity are rich in resinous glands that produce the drug. The law does not make any distinction between male or female plants. (Exhibit sample)

F. MARIHUANA CIGARETTES

1. Flowers, leaves, fruiting tops of mature plants are parts used in marihuana cigarettes. Poison resin more prevalent in these parts.
2. Tops of plants gathered, dried, pulverized by hand, sifted to separate stems, seeds, etc. (Manicured)
3. Cigarettes usually hand rolled by using 2 or 3 cigarette papers, white or brown - ends crimped or tucked in to hold pulverized marihuana.
4. Cigarettes are more slender than tobacco cigarettes.
5. Sometimes called "reefers, muggles, weeds, hay butts, tea, sticks, mez, blaze, etc."

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PART II

NARCOTIC DRUG ADDICTION

A. DRUG ADDICTION DEFINED

1. Drug addiction is a state of periodic or chronic intoxication, detrimental to the individual and to society. It is caused by the repeated consumption of a narcotic drug, (natural or synthetic).
2. There are 3 definite characteristics allied with drug addiction:
   a. A desire, need or compulsion to continue taking the drug and to obtain it by any means. -- (Commercial type crimes)
   b. A tendency to increase the dose.
   c. A psychological and physical dependence on the effects of the drug.

B. CAUSES OF ADDICTION

1. The cause of development of the drug habit is inherent in the individual. The drug addict is generally an emotionally unstable person before he acquires the habit. He is a person who cannot face, unassisted, painful situations; he has little or no self control - no will power. He resents suffering - physical, mental or moral. He has not adjusted himself to his emotional reactions. The most common symptom that requires relief is a feeling of inadequacy, an inability to cope with difficulties. They have no ability to make moral or social adjustments. Drug addicts have low capacities for dealing with frustration, anxiety, and stress. These conditions call for an easy and rapid method of relief which is found in the use of drugs. The drugs produce a synthetic sense of security.

C. HOW ADDICTION ACQUIRED

1. Through association.
2. Experimentation.
3. Inexperienced doctors.
   a. Mechanics of Addiction (Explain by levels)
   b. Habituation - Toleration - Dependence.
      (1) Habituation - Habit - Custom - Practice or a procedure that has become fixed through constant repetition. Habituation is closely related to the euphoric effect of the drug, i.e., the relief of pain or emotional discomfort.
      (2) Toleration - Tolerance is defined as a minimizing effect in repetition of the same dose of the drug over a period of time or, conversely, a necessity to increase the dose to obtain an effect equivalent to the original dose.
      (3) Dependence - Physical dependence refers to an altered physiological state brought about by the repeated administration of the drug which necessitates the continued use of

the drug to prevent the occurrence of the characteristic illness which is termed an abstinence syndrome. (Withdrawal symptoms).

D. EFFECTS OF NARCOTIC DRUGS ON A PERSON

1. Medical use.
2. Non-medical addiction (criminal type)
    a. Drugs used.
    b. How used.
        (1) Gives the person a feeling of extraordinary well being and vigor. This sensation is accentuated in persons of abnormal mental and physical functions.

E. IDENTIFICATION OF DRUG ADDICTS

1. After using drugs regularly for a period of time, there are certain characteristics that begin to appear about the person. An experienced officer can usually detect them without too much trouble.
    a. Hypodermic needle marks or tracks on arms and various parts of the body. (Arms kept covered).
    b. Urinalysis.
    c. Pin-point pupils - watery eyes - explain when addict is apparently normal they are contracted, when in need of drugs, they are dilated - also dilated when using synthetics or cocaine.
    d. Pallor - (prison pallor - ashen) sallow complexion.
    e. Gait. (walk with a stoop)
    f. Withdrawal symptoms. (Abstinence Syndrome).
        Slight - Moderate - Severe
2. As the effect of the narcotics wear off, the addicts complexion becomes more ashen, their pupils dilate and they appear to be gripped by a personal panic. As the effects diminish more, they begin to perspire, their nose runs, their eyes water. They get the "sniffles" and yawn, and give the appearance of having a mild cold. Their skin feels like cold turkey. That's where the expression "kicking it cold turkey" originated. They experience a creeping sensation under their skin and they imagine pins and needles are sticking them all over their body. As the withdrawal continues they become nauseated with severe cramps and diarrhea. In this state, they are extremely distressed and will do most anything for a shot of dope. It's like the dope was saying, "Come on--you've had your pleasure, now pay me." The addict generally is prepared to off-set the withdrawal.

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PART III

NARCOTICS UNDERCOVER WORK

I. DEFINITION - Undercover work is an investigative process in which disguises and pretexts are used to gain the confidence of criminal suspects for the purpose of determining the nature and extent of any criminal activities they may be contemplating or perpetrating.

II. PURPOSE

A. To determine if a crime is being planned or committed.
B. To identify all persons involved.
C. To obtain evidence for court.
D. To locate contraband or stolen property.
E. To determine a suitable time for raiding a hangout or arresting principals.

III. QUALIFICATIONS FOR UNDERCOVER OPERATIVE.

A. Undercover work does not require any special type of individual so far as appearance or personality is concerned. Anyone can operate undercover if he is intelligent, resourceful, and possesses the requisite qualities of individual initiative, energy, and courage.
B. Self-confidence.
C. Good judgment.
D. Mental alertness.
E. Resourcefulness.
F. Language.
    1. Accents.
    2. Foreign languages.
    3. Colloquialisms.
    4. Underworld slang.
G. Cultural background.
H. Special talents and hobbies.
I. Trade, profession, occupation.
J. Good memory for names, faces, and information.
K. Knowledge of underworld methods and the modus operandi of crimes.

IV. DISGUISE.
A. Abandon official identity.
    1. Remove badge and all credentials.
    2. Remove cards, letters, notebooks and all other items that might cause suspicion of official status or that can be traced to its source, unless consistent with background story.
B. Assume a character compatible with the suspect and the neighborhood involved.
    1. Select a remote background city with which you are familiar, but if possible one not well known to suspect.

2. The background story should include names, addresses, and descriptions of assumed education, places employed, associates and neighborhoods.
3. Try to select fictitious information that cannot be readily verified by the suspect. Arrange for principals in story to be persons who have been coached to corroborate the story in case the the suspect investigates.
4. Corroborating persons should be bartenders, waiters, hotel clerks, pool room operators and others in occupations that would not arouse suspicion in the mind of the suspect.
5. Simulated infirmities may be valuable.
    - (a) Faking deafness may cause suspect to be less careful with his talk.
    - (b) Faking poor eyesight may cause suspect to be less cautious about his actions and concealment of evidence. Use of glasses may help in this bluff.
    - (c) Carrying a cane and acting weak or feeble may elicit sympathy and give impression of harmlessness.

C. Physical guise.
  1. Clothes and method of dress.
      - (a) Must fit chosen character and be appropriate for suspect's neighborhood.
      - (b) Must conform to appropriate standards of quality, price, age, fit and cleanliness.
  2. Laundry marks must either be obliterated or made to agree with name, address and details of background story.
  3. If possible, use clothing labels from city chosen for background.

D. Livelihood.
  1. The background story should include a chosen occupation.
  2. If a trade or profession requiring tools is selected, procure tools, carrying case, etc., that are not new.
  3. Do not choose a trade or profession unless familiar with the operations and terminology involved.

E. Credentials.
  1. Carry fake identification cards, letters, etc., bearing assumed name and address.
  2. Fake newspaper clippings about subject may help establish assumed identity.
      - (a) Case must be important to warrant using such involved methods.
      - (b) If used, dummy corroborating records should be put in police or other appropriate files.

V. INITIAL CONTACT WITH SUSPECT
  A. Through informers. (Thoroughly rehearse background story so there is no inconsistencies.)
  B. By living in a locality or frequenting places where close association can be had with the suspect or his friends.

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C. By discreetly disseminating information or creating a situation which will cause the suspect to become interested and approach the undercover man.

VI. DEVELOPMENT OF CONTACTS.
  A. Gain confidence of suspects.
    1. Act natural.
    2. Act nonchalant.
    3. Do not overplay your part.
    4. Do not make too many explanations.
    5. Do not talk too much or bluff more than necessary.
    6. Do not give information unnecessarily.
    7. Never be caught writing or observing suspect too closely.
    8. Do not associate with or show too much interest in subject's wife or women friends.
    9. In some cases, it may be proper and profitable to take a small present to the subject's mother, children or sister, but never to wife or girl friend.
  B. If suspect appears too suspicious about your identity, simulate strong anger and disgust. Place the suspect on the defensive by insisting that you are not too satisfied with his identity and demand more identifying proof from him. Do not be bluffed by suspect's suspicions - use counter bluff.
  C. If appropriate, appear tough. Criminals are frequently impressed by anyone as tough or tougher than themselves.
  D. Be patient.

VII. ELICITING DESIRED INFORMATION.
  A. Talk no more than necessary to keep suspect talking.
  B. Listen to all he has to say.
  C. Carefully observe all locations and activities.
  D. Frequently best to start conversations by talking about types of crimes other than type suspected.
  E. Try to keep conversation going without asking too many specific questions. Asking questions usually arouses suspicion.
  F. Fake bank pass books or fake money transfers from a telegraph company may be carried to impress suspect with financial ability to carry out a deal to purchase contraband or other goods. If possible, it is better to make a real deposit or transfer of funds instead of faking records.
  G. Operative should refrain from drinking, if possible. However, every effort should be made to encourage the suspect to drink as much as he will. Stomach ulcers may be used as an excuse for not drinking.
  H. Never accept contraband as goods at the first price quoted. Dicker hard to reduce price.
  I. Undercover story and approach should be such that it offers something attractive to the suspect.
    1. Ability to purchase contraband goods.

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2. Ability to assist in criminal activities.
3. Friendship.

J. In some cases it may be desirable not to get in touch with the suspect for a few days by pretending to be out of the city. Arrange for cards to be sent to suspect from other city.

VIII. SURVEILLANCE UNDER COVER

A. Generally used as "blind" to permit extended observation from a particular location without causing suspicion.

B. Guise and conduct must be typical and natural for neighborhood.

C. Employment or occupation usually used as pretext.
   1. Street photographer.
   2. Street cleaner.
   3. Newspaper peddler.
   4. Push cart peddler.
   5. Gas, electric or telephone installation man.
   6. Truck driver.
   7. Store clerk.

IX. MAINTAINING OFFICIAL CONTACT

A. Arrangements should be made in advance for methods of communicating with headquarters and fellow officers.

B. Arrangements should be made for check to be made by fellow officers if undercover man fails to report by a designated time.

C. Use of telephones.
   1. Always use public booths or dial phones not connected to a switchboard when calling headquarters.
   2. To avoid tapped phones, try to use a different telephone each time a call is made.
   3. In some cases, there is less risk if official contact is maintained by telephoning a fellow employee at his home.
   4. If necessary and properly prearranged, it is possible to call headquarters in the presence of the suspect. Pretend to call girl friend or similar pretext.
   5. Do not duck out to make call. Always give logical reason for departing.

D. Notes and reports.
   1. Notes may be made on match book covers, toilet paper, magazines or other available bits of paper.
   2. Take only necessary notes and write in such a way that information would be unintelligible to anyone else.
   3. Numbers may be written as mathematical problems or as part of a fake phone number.
   4. Written reports to headquarters may be addressed to a fictitious name or organization at a prearranged general delivery address. Do not put your return address on the letter.
   5. Less risk if reports are written in Post Office and immediately mailed.

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X. AUXILIARY SURVEILLANCE
  A. If appropriate, undercover activities should be augmented by a shadowing detail.
  B. Undercover man must always try to move slowly and cause such delays as may be necessary for shadow men to maintain contact.
  C. Direct meeting with fellow officers are dangerous and should be avoided if possible.
  D. Secret signals should be prearranged between undercover man and shadow detail.
    1. Method of wearing or carrying hat or coat.
    2. Handkerchief showing from coat pocket.
    3. Smoking, etc.
    4. If care is exercised, brief notes may be dropped for fellow officers.
      a. Written on empty match book covers.
      b. Written on empty cigarette package or cigar band.
      c. Written on scrap of paper rolled up and pushed in one end of cigarette. Cigarette is lighted, then crushed and abandoned before fire has reached note.

XI. ESSENTIAL PROCEDURES AND PRECAUTIONS
  A. Undercover work never should be undertaken without authority unless a situation develops where it is impractical to contact his superior and immediate action is appropriate.
  B. A preliminary investigation should be made to determine the undercover requirements.
    1. The suspect.
      a. Determine history and background.
      b. Determine past activities.
      c. Determine present activities.
      d. Determine type of character.
      e. Determine type of crime currently suspected.
    2. The neighborhood.
      a. Determine whether business, residential, etc.
      b. Type of activities carried on there.
      c. Type of people living or working there.
      d. Types of dress, conduct, speech and occupation commonly found there.
  C. Requirements of background story.
    1. Must be appropriate.
    2. Must be thoroughly memorized.
    3. Every effort must be made to live the part.
    4. Try to anticipate questions that may be asked and formulate answers in advance.
  D. Practices to be avoided.
    1. Bragging or claiming to be a big shot -- may place yourself in a position that cannot be proved if later necessary.
    2. Do not spend more money than would be normal for assumed character and position.

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3. Do not take women on undercover assignments.
    a. Suspect may become interested in her, thus diverting his attention.
    b. Women may be placed in a position where it would be necessary to disclose identity to resolve difficulty.
4. Do not take part in any criminal act or law violation without the knowledge and approval of your superior and the U.S. Attorney.
5. In general, do not associate with or court women who are associated in any way with the suspect.
6. Never go to office. You may be shadowed by suspect.
7. Never admit identity.
8. Try to avoid places where you might be recognized and persons who know you.

E. Pitfalls.
   1. Remember, lying, deception and double-crossing are normal conduct for criminals.
       a. Be cautious. Try to avoid creating disfavor or being forced into a defensive position.
       b. Be skeptical. Never rely on or trust a suspect.
       c. Continually rationalize all developments.
   2. Arrest by local police.
       a. Advice on identity disclosure should have been obtained previously from superior.
       b. Suspect may have had a policeman friend make arrest to test your claims.
       c. If police determined to be O.K., an officer may be confidentially requested to telephone or otherwise get in touch with your superior.

F. Investigative policy must be predetermined.
   1. Whether or not, or under what conditions "buy" money may be sacrificed.
   2. Whether or not, or under what conditions an arrest of the principals will be made.
   3. Whether or not, or under what conditions a raid of criminal hangouts or crime locations will be made.
   4. Secret signals by which the undercover man can inform his fellow officers that the conditions are right for action on the above operations.
   5. Whether or not the identity of the undercover man is to be disclosed at the time arrests or raids are made.

G. Assume that the suspect is as clever as you are.

H. Take advantage of the exception to the Hearsay Rule in conspiracies, that a statement made by a co-conspirator not in his presence is admissible against him -- (You, in an undercover capacity, talk to "A" and "A" quotes "B", his superior. You are then in a position to testify against "B" despite the fact that the statement was not made in "B's" presence where a conspiracy has been established.)

I. The decision to carry firearms undercover is left to the judgment of the undercover agent in the field.

J. Exploit your undercover potentialities laterally and upward.

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XII. ENTRAPMENT

A. Definition - Entrapment is an act by a law enforcement officer characterized by inducing a person to commit a crime.
B. An undercover man may provide the opportunity to commit a crime, but not the criminal intent.
C. When entrapment is used as a defense by the accused, the prosecution may introduce testimony regarding his reputation for commission of the type of crime with which he is charged.
D. Disguises and aliases are legally permitted.
E. Extent to which an enforcement officer may not participate in unlawful undertakings.
    1. In furtherance of own interests.
    2. To gratify own personal feelings.
    3. Any acts not approved by superior and prosecutor.

PART IV

SURVEILLANCE

I. DEFINITION - Surveillance is the secretive and continuous watching of persons, vehicles, places or objects to obtain information concerning the activities and identities of individuals.

II. TYPES
- A. Moving surveillance - The investigator follows the subject on foot or in a vehicle.
- B. Stationary surveillance - The continuous watching of a place, object or persons from a fixed point.

III. OBJECTIVES
- A. To obtain evidence of a crime.
- B. To locate persons by watching his haunts and associates.
- C. To obtain detailed information about a subject's activities.
- D. To check on the reliability of informants.
- E. To locate hidden property or contraband.
- F. To obtain probable cause for obtaining search warrants.
- G. To prevent the commission of an act or to apprehend a subject in the commission of an act.
- H. To obtain information for later use in interrogation.
- I. To develop leads and information received from other sources.
- J. To know at all times the whereabouts of an individual.
- K. To obtain admissible legal evidence for use in court.

IV. CHARACTERISTICS OF OFFICER
- A. Ordinary appearance - Any outstanding physical characteristics may attract the subject's attention.
- B. Ability to act natural under all circumstances.
- C. Alertness.
- D. Resourcefulness.
- E. Good powers of observation and memory.
- F. Patience and endurance.

V. PREPARATION
- A. Study related files for information relating to:
  - 1. Subjects
    - a. Names and aliases.
    - b. Detailed description, including photos, if available.
    - c. Identifying characteristics and mannerisms.
    - d. Identities and descriptions of known or suspected contacts or associates of subjects.
    - e. Habits and normal routines.
    - f. Subjects' probable suspicions and estimated ability to elude surveillance.
    - g. All other background information on subjects.

2. Type, scope and extent of crimes known or suspected to be involved in the case.
3. Type of neighborhood.
    a. Type of inhabitants.
    b. Dress of inhabitants.
    c. Language and dialects.

4. Vehicles involved in case.
    a. Descriptions and license numbers of vehicles.
    b. Subject's driving habits.
    c. Garage and repair facilities frequented.
    d. Streets and routes frequented.

B. Reconnaissance - Should be used to supplement file information.
1. If practical, the subjects should be pointed out to the surveillance officers by someone familiar with their identities.
2. Make a physical survey to determine:
    a. Geography.
    b. Background information on neighborhood and inhabitants not available in files.
    c. Suitable vantage points.
    d. Traffic conditions.
    e. Become familiar with names and locations of streets in area, including locations of dead-end streets, etc.

C. Appearance of surveillance officers.
1. Must watch dress and demeanor of local people. Appear natural at all times.
2. Avoid conspicuous jewelry or other distinctive articles.
3. Beware of bulging of concealed weapons.
4. Carry cap and glasses to effect quick changes.

D. Funds
1. Always carry sufficient money to defray contemplated living, transportation, etc., expenses.
2. Maintain a standard of living in keeping with the area concerned.
3. Carry a reserve of funds for emergencies.
4. The denominations and Federal Reserve Bank issuing paper money should be in keeping with local conditions.

E. If several officers are to engage in a surveillance, a system of tactics should be agreed upon to determine the duty of each officer in any eventuality.

F. Signals suitable for communicating information between the surveillance officers should be devised and thoroughly understood by all participants.

G. When more than one officer is engaged in a surveillance, one of the participant's should be designated as "officer in charge".

H. If the surveillance is likely to be lengthy, arrangements should be made for suitable reliefs.

I. A secure system of communicating with headquarters or superiors should be prearranged and a central coordination point should be established to enable officers to keep in touch with each other.

SURVEILLANCE

J. Prepare explanations for being at a particular place at a particular time, if accosted by the subject.

VI. SURVEILLANCE METHODS
  A. One-man foot surveillance.
    1. Surveillance is extremely difficult for one man and should be avoided if possible.
    2. The subject must be kept in view at all times.
    3. One-man surveillance will usually be very close and somewhat dependent on pedestrian traffic and physical characteristics of the area.
    4. When walking on the opposite side of a street, the officer should keep almost abreast of the subject.
    5. It is necessary at all times to be close enough to immediately observe the subject if he enters buildings, turns corners or similar sudden moves.
  B. Two-man surveillance.
    1. The use of two officers affords greater security against detection and reduces the risk of losing the subject.
    2. On streets crowded with pedestrian and vehicular traffic, both surveillants should normally remain on the same side of the street as the subject.
      a. The first officer trailing the subject fairly closely.
      b. The second officer trailing the first agent some distance behind.
    3. On less crowded streets, one officer should normally walk on the opposite side of the street nearly abreast of the subject.
    4. In order to avoid detection, the two officers should make periodic changes in their position relative to the subject.
  C. Three-man surveillance (ABC) method.
    1. The use of three officers reduces still further the risk of losing the subject and, under ordinary conditions, affords still greater security against detection.
    2. The three-man method permits a greater variation in the position of the officers and also permits an officer who suspects he has been spotted by the subject to drop out.
    3. Use of the ABC method under normal traffic conditions.
      a. The "A" officer keeps a reasonable distance behind the subject.
      b. The "B" officer follows "A" and concentrates on keeping "A" in view.
      c. The "C" officer walks on the opposite side of the street slightly behind the subject.
      d. The "B" officer is also responsible for detecting any confederate of the subject being utilized to detect surveillance.
    4. Use of the ABC method on streets with little or no traffic.

   - a. Two officers may be on the opposite side of the street or,
   - b. One officer may be in front of the subject.
- 5. Use of the ABC method on very crowded streets.
   - a. All three officers should generally be on the same side of the street.
   - b. The leading officer should follow very close to the subject to observe his actions at intersections or if he enters buildings.
- 6. As in the two-man method, the officers should frequently alter their positions relative to the subject.
- 7. Under normal traffic conditions, when the subject approaches a street intersection, the "C" officer (across the street) should lead the subject and should reach the intersection first. By pausing at the corner, or crossing the street and turning in the same direction as the subject, the "C" officer can watch the subject and signal to "A" and "B" the subject's actions after he has passed from sight. If he signals that the subject has stopped, the "A" officer should cross the intersection before proceeding in the direction the subject did when he turned the corner. If the subject pauses several moments, both the "A" and "B" officers may have to proceed to a point out of his view and rely on the "C" officer to signal them when the subject continues on his way. Regardless of whether the subject stops or not, his turning a corner can be utilized for rotating the positions of the officers.

D. Progressive or "leap frog" method of surveillance.
- 1. Use of this method is not too common because of the time involved and the poor chances of obtaining good results.
- 2. It involves the observation of the subject as he progresses along a certain route, with the officer stationing himself at a fixed point until the subject disappears from view.
- 3. If the subject follows the same route each day, his destination can be determined without following him, if the officer stations himself each day at the spot where the subject disappeared the previous day.
- 4. Disadvantages.
   - a. No assurance that subject will follow same route each day.
   - b. No assurance that subject will go to same destination each day.
- 5. This method may be of value in locating hideouts or meeting places when the risk of actually trailing the subject is too great.

E. Combined foot-auto surveillance.
- 1. This method involves surveillance on foot by one, two or three officers, and additional surveillance at the same time by one or two officers in an automobile.
- 2. By use of this method, officers will always be assured of transportation if the subject should board a bus, street car or taxicab.

3. Several officers can also be carried in the car, and the officers on foot can be frequently changed to avoid compromise.
4. Caution must be exercised in the operation of the automobile as a slow moving car may become conspicuous.

VII. FOOT SURVEILLANCE PROBLEMS.

A. Subject enters building.
   1. Ordinarily, at least one officer should follow the subject unless the building is of such a type that the entry would expose the officer. (Private home, small shop, etc.)
   2. In the case of large public buildings with many exits, all officers should follow the subject into the building.
   3. In some buildings where the subject might be lost easily, it may be advisable for one officer to remain in the lobby or at a door to spot the subject as he leaves the building.

B. Subject enters an elevator.
   1. If the subject is the lone passenger and has reason to suspect surveillance, it may be best not to accompany him into the elevator, but rather to watch the indicator for the floor stop, and then proceed to that floor to try to pick up the subject's route.
   2. In other cases, one or two officers may accompany the subject, wait for him to announce his floor, and then ask for a higher or lower floor and use the stairs to get to the subject's floor and attempt to pick up his trail.
   3. At all times, one officer should be left in the lobby since the subject may be using the elevator in an attempt to elude surveillance.

C. Subject enters restaurant.
   1. At least one officer should enter behind the subject, order approximately the same amount of food and be alert to note any contacts made by the subject.
   2. If possible, the officer should pay his check before the subject does so that he can be ready to leave with him.
   3. In some cases, it may be desirable for the officer to leave shortly before the subject and wait for him outside.

D. Subject boards a street car, bus or subway.
   1. At least one officer should board the same car or bus and sit behind or at least on the same side as the subject.
   2. If an officer should miss the street car or bus, or should fear that by boarding it he might make the subject suspicious, he may hire a taxi to follow the car for the full distance, or follow by taxi for a few blocks, overtake, and then board the car.
   3. The ideal practice is for one officer to board the car or bus and for the others to follow in a surveillance automobile.

E. Subject takes a taxicab.
   1. If trailing by another taxi or by surveillance automobile is impossible or impractical, the officer should make a note of the time, the place, the name of the cab company and the license number or cab number.

2. The subject's destination can be determined later by checking with the driver or the company office.

F. Subject takes a train, boat, plane or long distance bus.
    1. Whether an officer will follow his subject on any trip usually depends upon the indicated length of the trip and the instructions he has received from his superior.
    2. The subject's destination may be learned by listening while he is buying his ticket, by questioning the ticket agent or by contacting the conductor of the train.
    3. The possibility of examining the subject's luggage in the railroad station or on the train should not be overlooked. Such examination can only be made lawfully armed with a search warrant - EXCEPTION: Customs officers at the border.

G. Subject enters a theater, race track or amusement park.
    1. All officers should normally follow the subject.
    2. The regular admission charges should be paid and credentials should be used only as a last resort.
    3. Officers must follow the subject closely in order not to lose him in the crowd.
    4. In darkened theaters, the subject must be closely watched and, if possible, one agent should sit directly behind subject to avoid losing him. The exits should also be covered to avoid losing him.

H. Subject meets a contact.
    1. A complete detailed description of the contact should be noted, together with time and place of the meeting.
    2. If possible, the contact should be photographed.
    3. If practical, attempts should be made to overhear the conversation.
    4. The subject's attitude toward the contact should be noted.

I. Subject registers at a hotel.
    1. The subject's room number may be obtained from the manager, house detective or room clerk.
    2. If the hotel management is cooperative, it may be possible to procure a room near the subject's which can be used as a base for surveillance.
    3. All outgoing telephone calls made by the subject will normally be recorded by the hotel's switchboard operator and such records should be examined for leads.
    4. Abandoned trash should not be overlooked; however, under no circumstances can trespass be made to retrieve it.

J. Officers lose subject.
    1. The officer in charge should be immediately notified.
    2. Known hangouts or addresses frequented by the subject should be placed under observation immediately in an effort to find him.
    3. It is generally advisable to station an officer in the area where the subject was last seen, as he may reappear there after a short time.

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4. Phone calls may be made to home or places frequented by the subject under a pretext and will often yield information of subject's whereabouts.

K. Subject discovers officer.
   1. If an officer is recognized by the subject as a surveillance agent, he should normally drop out and be replaced by another officer.
   2. In some cases where concealment of any investigative activity is paramount, surveillance should be stopped as soon as the subject is known to suspect surveillance.

L. Decoys.
   1. A clever subject who has discovered that he is under surveillance may not reveal his discovery to his surveillants, but may attempt to "shake" them from his trail by means of false contacts or decoys.
   2. For example, a subject may leave a brief case or package full of worthless papers or materials with a contact and thus cause unwary officers to redirect or discontinue their surveillance, thus leaving him free to make his real contacts unobserved.

M. Traps.
   1. A subject may attempt to lure an officer into a trap.
   2. A thorough knowledge of the locality, coupled with good judgment and the alertness to realize when trailing becomes suspiciously easy, is a good defense against traps.

VIII. DETECTION OF FOOT SURVEILLANCE.

A. A subject who is suspicious of being under surveillance may resort to trickery in order to verify his suspicions.

B. When a subject resorts to such trickery, it is good policy to change officers, for the subject may have spotted one or more of his followers.

C. Common methods used by suspects to test for trailing.
   1. Stopping abruptly and looking at people in the rear.
   2. Casually looking around.
   3. Reversing course and retracing steps.
   4. Boarding buses and street cars and alighting just before they start.
   5. Riding short distances on buses and street cars.
   6. Circling the block in a taxi.
   7. Entering a building and leaving immediately via another exit.
   8. Stopping abruptly after turning a corner.
   9. Using convoys.
   10. Watching reflections in shop windows.
   11. Walking slowly and rapidly at alternate intervals.
   12. Dropping a piece of paper to see if anyone retrieves it.
   13. Stopping to tie shoestring, meanwhile looking around for surveillants.
   14. Arranging with a friend in a shop, tavern or other places to watch for surveillants.

15. Observing from a window or roof across street with binoculars to see if equipment or likely persons are visable in rooms adjacent to subject's room.
16. In hotel lobbies and similar places watching for persons peeking over or around newspapers and watching in wall mirrors to see who is unusually observant of persons coming and going through the lobby.
17. Starting to leave a hotel lobby or similar place quickly, then suddenly turning around to see if any one has suddenly jumped up without any apparent reason or objective.
18. The subject or an associate may attempt to be near enough to the hall doors of rooms adjacent to his in order to get a quick look inside when someone happens to open the room door.
19. Subject may open and close his hotel room door to indicate that he has left the room, then wait inside the room with the door ajar. If anyone leaves an adjoining room, the subject then actually leaves his room in an ordinary manner and rides down the elevator with his neighbor while committing his appearance to memory.
20. Subject may pretend to leave his hotel room, then remain quiet for a while to see if typewriting, talking or other noises begin to occur in an adjoining room, and then suddenly disappear or change to whispers upon evidence that subject is in room.

IX. ELUDING FOOT SURVEILLANCE.
  A. Common methods used by cunning subjects.
    1. Jumping off a bus, street car or subway just as the doors are about to close.
    2. Leaving a building through the rear or side exit.
    3. Losing one-self in crowds.
    4. Entering theaters and leaving immediately through an exit.
    5. Pointing out one's surveillant to a policeman, who will generally require the officer to explain his actions.
    6. Using decoys.
    7. Using traps.
    8. Taking the last taxi at a stand.
    9. Changing clothing.

X. METHODS OF AUTOMOBILE SURVEILLANCE.
  A. One-car surveillance.
    1. If only one care is available for surveillance, its position should be behind the subject's car, the distance varying with the amount of traffic in the area.
    2. In city traffic, not more than two vehicles should be permitted to come between the subject's car and the surveillance vehicle.
    3. The surveillance car should keep toward the right rear of the subject's car in order to minimize the chance of attracting the subject's attention.

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    4. In rural areas it is wise to give the subject a good lead and if intersections and road forks are few and far between, the lead can be extended to a point where the subject may even be lost from sight over hills or around curves. When practical, keep another car between officer's car and subject's car.
    5. At night, the surveillant's car should not ordinarily have its headlights on high beam and all other unnecessary lights on the car should be extinguished.

B. Two-car surveillance.
    1. In city areas during daylight hours, both cars should ordinarily be behind the subject's car.
    2. Occasionally, one car may operate on a known parallel route, timing itself to arrive at intersections just before the subject in order to observe his route at the intersections.
    3. This method is recommended for use at night and in suburban areas.

C. Three-car surveillance.
    1. By the use of three surveillance cars, more use can be made of parallel routes, and the positions of the cars can be changed frequently enough to prevent discovery of the surveillance.
    2. One car may be used to lead the subject and can observe the latter through the rear-view mirror.

D. Leap frog surveillance with cars.
    1. Cars are stationed at intervals along a known route and after the subject's car has been observed to pass a surveillant's car the officers proceed and pass the subject's car at sufficient speed to permit them to take up a new position beyond the oth[illegible]fficial cars and thus keep progressive checking on the suspect without actually following his car.
    2. This method has the disadvantage that the subject may not take the expected route or may turn off a route between the observation points of the surveillant cars.
    3. May be useful in locating hideouts, stills, counterfeiting plants, etc., where tailing by car is not practical.

E. Use of radio equipment in car surveillance.
    1. Two-way short wave radio communication between two surveillance cars affords an ideal means of conducting auto surveillance.
    2. It facilitates the use of parallel routes by vehicles and the interchange of positions.
    3. Surveillance cars with radios should be equipped with antennas that appear to be standard commercial automobile radio antennas.

XI. DETECTION OF AUTOMOBILE SURVEILLANCE.

A. As in the case of foot surveillance, a subject who believes he is being followed may resort to trickery in order to verify his suspicions, as follows:
    1. Alternate fast and slow driving.
    2. Committing flagrant traffic violations, such as making U-turns, driving against traffic on one-way streets and running through red lights.

3. Frequent parking.
4. Driving into dead-end streets.
5. Stopping suddenly around curves or corners.
6. Pulling into driveways.
7. Speeding up a hill, then coasting slowly down.

XII. ELUDING AUTOMOBILE SURVEILLANCE.
- A. Common methods used by suspicious suspects.
  1. Committing traffic violations.
  2. Using double entrances to driveways--in one and out the other.
  3. Cutting through parking lots.
  4. Driving through congested areas.
  5. Using decoys and traps.
  6. Deserting the vehicle beyond a blind curve or corner, but permitting the driver to drive on as a decoy.

XIII. FIXED SURVEILLANCE.
- A. During observation from a "plant", surveillance agents must be extremely careful not to reveal their activity.
- B. Binoculars are generally essential equipment in the plant, as they facilitate positive identification of persons entering or leaving a place under observation.
- C. A still or a motion picture camera with a telephoto lens can also be used effectively.
- D. Notes.
  1. Take careful notes of observations, including detailed descriptions of all individuals entering the target.
  2. A chronological log is usually the best method of recording pertinent occurrences.

XIV. SURVEILLANCE OF PREMISES.
- A. A surveillance of a premises usually entails the use of a base of operation or "plant", such as a room, apartment, house or camouflaged outdoor fixture located near the base of operation.
- B. A fixed "plant" should afford a maximum observation of all entrances and exits of the premises under observation, and should have an exit to permit officers to enter or leave without coming under observation from the observed premises.
- C. The "plant" should be so set up that other occupants of the same building are not aware of the use to which the "plant" is being put.
- D. If a fixed "plant" cannot be set up, a camouflaged outdoor fixture, such as a vendor's stand may be set up, or officers with an appropriate "cover" may be sent into the area.

XV. USE OF EQUIPMENT IN SURVEILLANCE.
- A. May be a great asset under appropriate conditions.
- B. Additional devices and aids.
  1. Use of fluorescent powders and other telltale chemicals may help to establish the presence of a suspect at the crime scene or identify persons handling certain property.

SURVEILLANCE

2. Reflecting sun glasses will enable an officer to observe the actions of a subject behind him without arousing suspicion.
3. In some cases, the use of airplanes or helicopters may be advantageous in a surveillance operation.
4. Automobiles for surveillance.
    a. Should not be conspicuous.
    b. Should have two-way radio.
    c. Carry binoculars.
    d. Be occupied by two men.
        (1) One to drive.
        (2) One to observe and take notes.
        (3) Second officer may also take over surveillance on foot if needed.
    e. Avoid accidents.
    f. Change seating arrangements from time to time.
    g. Change license plates from time to time.
    h. Install switch for darkening tail light.
    i. Carry reserve supply of gas.
    j. Prepare for emergencies by carrying food, rain coats, tire chains, etc.
    k. Drive and park naturally.

XVI. GENERAL PRINCIPLES.
  A. Never meet the gaze of the subject.
  B. Try not to arouse police suspicions.
  C. Try to avoid any unsubstantiated feeling of being "hot".
  D. If an officer is "uncovered" he should not go home or to his office immediately, as subject may follow to confirm suspicion.
  E. The officer should watch at all times to assure that he is not also being shadowed.
  F. It is no mark of shame to lose a subject.
  G. Never peek from doorways, from behind poles, etc.
  H. An officer should always have a likely story ready to justify his presence at any time or place.
  I. Always try to do something that would naturally be done at that time and place. For example, if in a cafe, order something to eat.
  J. Do not ask hotel clerks, bell boys, etc., for information about a person until it has been determined that they are not friends and that the person can be trusted.
  K. Use subterfuges whenever possible. For example, stop someone on street and ask questions if subject stops to talk to a friend.
  L. In business areas, walk close to buildings so subject will not see shadower's reflection in store window.
  M. Location of places can at times be estimated by checking the suspect's car speedometer immediately before and after he takes a trip.
  N. Coverage of mail may be desirable.
  O. Decoy communications, such as fake telegrams or telephone calls made under a pretext, may be used to determine occupancy of a premises.

P. Carry glasses, cap, etc., to effect a change in appearance.
Q. Develop source of information or local fixed surveillance, such as a storekeeper or janitor.

XVII. IF SURVEILLANCE FAILS AND THE SITUATION WARRANTS ADDITIONAL ACTION:
   A. A physical search may be productive.
   B. Is there a possibility of developing an informant?
   C. Undercover work may produce results.
   D. Interviews, where practical, may provide leads.
   E. Papers and correspondence may provide leads and data.

XVIII. MEMORANDA AND REPORTS.
   A. Memoranda.
      1. Notes made as soon as possible.
      2. Coordinate facts with fellow shadowers to insure accuracy.
      3. Do not omit facts which at the time seem of no import.
   B. Reports.
      1. Made in detail with careful regard to time.
      2. Include street addresses and auto license numbers.
      3. Include physical descriptions with particular reference to mannerisms, habits and abnormalities.

XIX. NOTE CAREFULLY - Under no circumstances are technical aids to be used or searches to be made in a manner which violates a suspect's rights under court decisions or departmental regulations. Failure to comply with such court decisions or regulations will result in disciplinary action.

PART V

DRUG CONCEALMENT

HOME

- Telephone base & handle
- Sealed cigarette package
- Inside & under wigs
- Under washbowl, sink, or tub
- Base of lamp
- Closet clothing - waistbands, pens, sleeves, hatbands, shoes, gloves
- Flower pots & window boxes
- Wall & ceiling light fixtures
- In prescription bottles
- Mattresses
- Behind picture frames, posters & mirrors
- Flashlights
- Removable air conditioning registers
- Pet box
- Light switches
- Behind base boards
- Inside hollow doors (removable top)
- Under carpets
- Inside hollow curtain rods & closet rods, shower curtains rods
- Inside stairway posts
- Inside door chimes & door bell
- Inside deep well fryers
- Range hoods & filters
- Rolled up in window shades
- Mail box
- Inside knife handles
- Behind wall phones
- Inside transistor radio
- Hanging out window
- Sink traps
- Dog collars
- Refrigerator underneath, fruits, vegetables, meat, taped under door, motor compartment
- Furniture upholstery
- Inside toilet tanks
- Magazines & books
- Bed posts
- Musical instruments & cases
- False bottom on radiator covers
- All kitchen canisters and containers
- Door knobs & chimes
- Behind walls
- Behind posters

LAW ENFORCEMENT OFFICER TRAINING

Hung behind curtains

Inside TV & radio sets

Inside false ceilings and chimneys

Plumbing inspection doors

Inside crucifix

In golf bags

In test tubes

Inside cameras

Taped to top of toilet bowl

Window ledge next door

In floor drain

False aerosol cans

Fluorescent light tubes

Toys & stuffed animals & games

In bandaids & bandaid boxes

Top of window, door sills, moldings

Fire & water hose

Cellar beams

Venetian blinds - top & bottom

Inside clocks

Child's bank

Agitator of washer

Chandalier

Inside tropheys

Inside rolled-up newspaper

Electrical socket

Stick deodorant containers

Cold cream & vaseline jars

Taped in dressers & behind drawers

Inside ceramic & clay figurines

Inside candle stick holders

Inside handle of carpenters tool box

Taped to movable clothes lines

Inside pipe rack stand

Behind exterior brick near window

Rifle barrel buttplate

Inside rifle cartridge & shotgun shell

Inside tin foil tubing roll

Inside towel tubing roll

Inside toilet paper roll

Zippered cushions and pillows

Under panel of parquet floor

Inside toilet bowl float

Fuse box

Fish tanks & bowls

Hollow soap cakes

Top edge of doors

Hollowed out furniture legs

Salt & pepper shakers

Hollowed fruits & vegetables

DRUG CONCEALMENT

Rolled up in window shade

Record albums

Spice jars

Wax paper dispensers

Magnet boxes

Fire alarm bell

False bottom baby carriage & cribs

Douch bags

Dog houses

Foot lockers

35 mm. film cans

Within sanitary napkins & in box

Rain gutters & drain spouts

Hot air ducts

Hem of drapes & curtains

Hid in box to mattress frame

Hollowed out tree

Shoe polish container & equipment

Razor blade dispenser

Stove pipes

Garbage bags

Pillow cases

Furnace

Seams of field cots & hollow cap of cot legs

Attic insulation

Inside hassock

Hidden drawers in tables

Inside TV tube

Inside color TV antenna

Inside abandoned plumbing

In tool box

Inside letters

Inside and behind vacuum cleaner bags

Inside handle of kirby vacuum cleaners

Built inside room dividers

Inside patch trap of antique rifle

Inside christmas tree decorations

Behind kick plates of sink cabinets

Conduit from fuse box

Jewelry box

Clothes hamper

In stove insulating and stove exhausts and drip pans

Under lip ring of plastic trash cans

In tooth paste tubes

In surfboards

In electric tooth brush holders

Talcum & cold cream containers

Tea bags

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

Acoustical tile ceiling

Holy Bible (hollow cover)

Baked bread, cookies, brownies

Cookies & candy bars

Art kits

Dolls

Fuel of oil heaters

Psychedelic light housing

Hollowed out flashlight batteries

Hollowed out pad of paper

Bromo seltzer

Base of rabbitt antenna

In eggs

Mixed with tobacco

Taped to hat boxes

Leg of bath tub

Toaster tray

Plastic rolling pin

Drops on graph paper

Razor blade slot disposal

Shower nozzle head

Chimney clean out

Hair dryer

Clock

Hollow cane

Pay telephone coin return

Under corner mail box

Shaving brush handle

Miniature chess boards

Behind & inside medicine cabinets

In clothes line pipe

Ironing board legs

Bottom half of double broiler

Typewriters & covers

Under number plate of phone

Fruit containers in refrigerator

Bottom of dog food bag

In bird cage

Inside garbage disposal

Inside tube & barrel of air rifle

Clothes pin bag

Electric Base board heaters

Inside string mop

Inside rabbit hutch

Inside hollow handle of toilet bowl brush

Ironing board cover
Under tile steps of back yard
Under fence post tops
LSD on Ink blotter
LSD on swiss cheese in ice box
Marihuana in after-shave bottle

Training Procedure No. 35

DRUG CONCEALMENT

Automobile

- Dome, headlights & tail lights
- Hub caps
- Inside horn
- Air filter
- Oil filter
- Spare tire - treads & well
- Windshield washer bag
- Shift nobs
- Instrument panel & ornamented objects on dashboard
- Surplus police cars with double roof
- Ashtrays - in and under
- Picnic jug in trunk
- False battery
- Under brake & gas pedals
- Frame
- License plate
- False heater hoses - heater
- Sun visors
- Under rugs
- Upholstery
- Behind bumpers
- False dual muffler
- Hollow voltage regulator
- Heater
- Vents (air & heater)
- Radio speaker grill
- On top of gas tank (suspended or concealed in compartment)
- Glove compartments - top of compartment or trap
- Convertible tops
- False bottom of trunk beds
- Fuse box of trunk
- Back seat
- Floorboard
- Trunk
- Inside oil cap
- Hide-a-key
- Under seats
- Cigarette lighter
- Carburator
- Pill vials
- 35 mm. film cans
- Under tire air valve caps
- Inside motorcycle handle bar tubing
- Compartment under floor of older volkswagon cars
- Inside tubing on roof rack
- Inside auto surfboard racks
- Motorcycle tail lights

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

Rocker panels

Tail-pipe

Taped behind bumper

Unsulation under hood

Taxi cab roof light

Under chrome

Key case

Taped to window

Service station travel kits

False radio

Behind Volkswagon battery box

Under side of fender

Arm rest

Inside flashlight

Tied to axle

Inside dash nobs

Inside light sockets

Antenna base

Inside floor console

Steering column at transmission indicator '53-'45 Chevy

Inside truck lids

Training Procedure No. 35

DRUG CONCEALMENT

Person

- Lipstick tube
- Cigarette lighter & packs
- Taped under breast & brassieres
- Processed hair, hair buns & wigs
- Rectum
- Vagina
- Nose
- Ears
- Mouth
- Cheeks of buttocks
- Lapel of jackets & coats
- Inside & back of watch & other jewelry
- Taped behind ears
- Cuffs & waistbands
- Pockets
- Socks & shoes
- Pill vials
- Inside sanitary napkins or tampons
- Hat band
- 35 mm. film cans
- Baby's diapers
- In corsets
- Under false teeth
- Slit belts or zippered belts
- Belt buckles
- Behind collars & collar stays
- Foreskin of penis
- Under bandaids & bandages
- False limbs
- Glass eye
- Hearing aid glasses
- Jock straps
- Swallowed with string to teeth
- Between toes and taped to feet
- Tie knot of tie & handkerchiefs
- Wallet
- Eye glass case
- Contact lens' case
- Inside pens
- Tobacco tins & pouches
- Money belts
- Lining of clothing
- Hollow end of cane or umbrella handle
- In gum sticks
- Cigarette filters
- Compact
- Casts
- In addressed envelopes

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

False buttons

In male girdle

In swimming trunks

In stem of pipe

In gum stuck behind ear

Pinned to shorts

Inside artificial eyes

Inside identification bracelets

Inside feces bag

Inside hollowed out crutches

Inside neck & wrist lockets, bracelets & charms

Rings

Ear Rings

Tie pins, clasps & cuff links

Fountain pens

Inside fly trap of trousers

Battery box of hearing aid

Thermos jugs

Liners of luggage

Canteens

Inhalers

Lining of change purse

Under insulation in motorcycle helmet

Military cap insignia, lapel and shoulder patches

Hashish in love beads

False caps on teeth

Woman's hair beret

Behind campaign ribbons & uniform brass

PART VI

GLOSSARY

COMMON TERMINOLOGY USED IN NARCOTIC TRAFFIC

ACAPULCO GOLD: High grade of marihuana (female flowering parts.)
ACE: Marihuana Cigarettes
ARTILLERY: Equipment for taking an injection
BAG: Small packet of narcotics
BAGMAN: Supplier of "Bags" of narcotics
BANG: Injection of narcotics
BANGER: Hypodermic Needle
BEAT: Swindle someone out of narcotics or money
BENDER: Drug Orgy
BENT: Addicted
BHANG: Marihuana
BIG HARRY: Heroin
BINDLE: Number of decks tied together
BINGO: Injection of a drug
BLACK STUFF: Opium
BLANKS: Capsules of non-narcotic powder used to deceive an addict
BLAST: Smoke marihuana
BLOCK: Bindle of morphine
BLOW POT: Smoke marihuana
BOMBER: Large marihuana cigarette
BOO: Marihuana
BREAD: Money
BRICK: Kilogram of marihuana
BURN: Swindle someone out of narcotics or money
BURNED OUT: Sclerotic condition of the vein
BUSH: Marihuana
BUSINESS: Hypodermic Equipment
BUSTED: Being arrested
BUTTER: Marihuana
BUY: Purchase of narcotics by an undercover officer or informant
"C": Cocaine
CABALLO: Heroin (Spanish for "Horse")
CAN: One ounce of marihuana
CAPS: Capsules of narcotics
CARRIER: Distributor of drugs to an addict
CARRYING: Carrying narcotics on the person
CECIL: Cocaine
CHARGED UP: Elated feeling after a shot of narcotics
CHIPPY: Person experimenting with drugs (potential addict)
COASTING: Under the influence of narcotic drugs
COKE: Cocaine
COKIE: Cocaine addict
COKED UP: Under the influence of cocaine
COLD TURKEY: Abrupt withdrawal without medication
CONNECTION: Source of supply
COOK-UP: Mix heroin with water and heat for an injection

LAW ENFORCEMENT OFFICER TRAINING

COP: To obtain narcotics (or a police officer)
CROAKER: Doctor
CROAKER JOINT: Hospital
CUBE: Cube of morphine
CUT: Adulterate narcotics
DEAL: Narcotic transaction
DEALER: Supplier of narcotics
DECK: Small packet of heroin
DOO JEE: Heroin
DOPE: Heroin or other narcotics
DROP A DIME: To inform
DROPPER: Medicine dropper used by addicts as a makeshift hypodermic
DUIGE: Heroin
DYNAMITE: Cocaine and morphine mixture
DYNAMITER: Cocaine Addict
EIGHTH: Eighth of an ounce
FACTORY: Clandestine conversion of opium to morphine base
FALL: To be arrested
FED: Federal narcotic agent
FINK: Informant
FIX: An injection
FLAKE: Cocaine
FLOATING: Under the influence of drugs
FLOWER: Marihuana
FRONT MONEY: Advance payment
FUZZ: Police officer
GAUGE: Marihuana
GEEZE: Injection of narcotics
GIRL: Cocaine
GLOM: To arrest a person
GOLD: Money
GOOD THINGS: Narcotic Drugs
GOODS: Illicit narcotics
GRASS: Marihuana
GRIFFO: Marihuana
GUM: Opium
GUN: Hypodermic needle
"H": Heroin
HABIT: Addiction to Drugs
HALF: Half of an ounce
HALF LOAD: Fifteen decks of heroin
HAND TO HAND: Payment of money
HAPPY DUST: Cocaine
HARD STUFF: Heroin
HARRY: Heroin
HASH: Hashish
HASH: Marihuana
HAY: Marihuana
HEAT: Police
HEELED: Possession of narcotics or a weapon

Training Procedure No. 35

COMMON TERMINOLOGY USED IN NARCOTIC TRAFFIC

HEMP: Marihuana
HERB: Marihuana
HIGH: Under the influence of Drugs
HIT: To purchase narcotics or a term for murder
HOG: Addict that requires a maximum dose of drugs
HOOKED: Addicted
HOP: Opium
HOP HEAD: Addict
HORNING: Sniffing cocaine
HORSE: Heroin
HOT: Fugitive
HOT LOAD: Over dose, may result in death
HUNGRY CROAKER: Doctor who sells drugs or prescriptions for narcotics
I'M HEP: I understand
"J": Marihuana
JAB: Injecting heroin into the veins
JOINTS: Marihuana Cigarettes
JOLT: Injecting heroin into the veins
JOY POP: Occasion injection
JOY POWDER: Cocaine
JUGGLE: Junkie selling to another for his own habit
JUNK: Heroin
JUNKIE: Narcotic Addict
KICK: (THE HABIT): Stop using narcotics
KILO: One kilogram or 2.2 pounds or 35 ounces
KIT: Set of narcotic paraphernalia
LAB: Morphine or heroin conversion factory
LOAD: Thirty decks of heroin
LID: One ounce of marihuana
LOADED: Under the influence of narcotics
LOCO-WEED: Marihuana
LOVE-WEED: Marihuana
"M": Morphine
MAIN LINER: Addict who injects directly into the vein
MAKE: To recognize a police officer
MAN: Source of supply
MAN: May denote police
MANICURED: Clean and prepared marihuana for rolling into cigarettes
MARY: Marihuana
MARY JANE: Marihuana
MARY WARNER: Marihuana
MEET: Appointment between two or more narcotic violators
MERCHANDISE: Illicit narcotics
MISS EMMA: Morphine
MOON: Flat, circular piece of hashish
MORF: Morphine
MUGGLES: Marihuana cigarettes
MULE: Transporter of narcotics
NARCO: Narcotic officers
NARK: Narcotic officers

NEEDLE: Hypodermic needle
NOD: Under the influence of drugs
NUMBER FIVE: Number five capsules
O.D.: Overdose of narcotics
ON ICE: To be in jail
ON THE BRICKS: To be out of jail
OUTFIT: Narcotic paraphernalia
PAD: "Hang Out" or residence
PANAMA RED: "Red marihuana" from Panama
PANIC: Scarcity of drugs
PAPER: Container of narcotics
PASS: Transfer of narcotics or money
PEDDLER: Narcotic trafficker
PIECE: Gun
PIECE: One ounce
PLANT: Hiding place or cache of narcotics
POISON ACT: The Federal Narcotic Act
POT: Marihuana
POT HEAD: Marihuana user
PURE: Pure narcotics or a very good grade
PUSH: To sell narcotics
PUSHER: Narcotic trafficker
QUARTER: Quarter ounce
QUILL: Folded match-box cover used for snorting
RAT: Informant
REEFER: Marihuana cigarette
ROACH: Butt of a marihuana cigarette
ROPE: Marihuana cigarette
RUMBLE: Police shakedown or search
SATCH COTTON: Cotton saturated with heroin
SATIVA: Marihuana
SCHMECK: Heroin
SCORED: Obtained narcotics
SCRATCH: Money
SCRIPT: Narcotic prescription
SHIT: Heroin
SHOOTING GALLERY: Place where addicts use to inject the drugs
SHOOT UP: Take an injection
SHORT: Car
SKAG: Heroin
SKEE: Opium
SKIN POP: Injecting the heroin under the skin
SMOKE: Marihuana
SMOKE CANADA: To smoke marihuana
SNIFFING: Sniffing narcotics, usually cocaine or heroin
SNORTING: Sniffing narcotics, usually cocaine or heroin
SNOW: Cocaine
SPEED: Cocaine
SPIKE: Hypodermic needle
SPOON: Sixteenth of an ounce

COMMON TERMINOLOGY USED IN NARCOTIC TRAFFIC

STACHE: Cache of narcotics
STEAM BOAT: Roach holder (Toilet roll)
STICK: Marihuana cigarette
STONED: Under the influence of drugs
STOOL: Informant
STRAIGHT: Obtained narcotics
STRAW: Marihuana
STREET PEDDLER: A pusher who sells directly to the addict
STRUNG OUT: Heavily addicted
STUFF: Heroin
TAR: Morphine
TAILED: Followed
TAR: Opium
TASTE: Sample of narcotics
TEA: Marihuana
TEA HEAD: Marihuana user
TEA PARTY: Marihuana party
THING: Heroin
TEXAS TEA: Marihuana
TOKE-UP: To smoke marihuana cigarettes
TORCH-UP: To light a marihuana cigarette
TO SPLIT: To leave
TOSS: To search a person or place
TOY: Small container of opium
TRACKS: Marks left on veins from repeated injections of drugs
TRAP: Hiding place for narcotics
TREY: $3.00 bag of heroin
TURKEY: Non-narcotic substance sold as narcotics
TURN-ON: To use narcotics
TWISTED: Addicted
USER: Narcotic addict or marihuana smoker
VIPER'S WEED: Marihuana
WEED: Marihuana
WEED HEAD: Marihuana User
WHAT'S HAPPENING?: Do you have any narcotics
WHEELS: Cars or transportation
WHITE GIRL: Cocaine
WHITE STUFF: Morphine
WORKS: Equipment for injection by hypodermic needle
YEN HOCK: Instrument used in smoking opium
YEN SHEE: Opium ash
YEN SHEE SUEY: Opium Wine

Training Procedure No. 35

FEDERAL BUREAU OF NARCOTICS TRAINING SCHOOL

COMMON TERMINOLOGY USED IN THE NARCOTIC TRAFFIC

GLOSSARY

MARIHUANA:

- Acapulco Gold
- Bhang
- Boo
- Bush
- Butter
- Flower
- Gauge
- Grass
- Griffo
- Hash
- Hay
- Hemp
- Herb
- "J"
- Loco-Weed
- Love-Weed
- Mary
- Mary Jane
- Mary Warner
- Panama Red
- Pot
- Sativa
- Smoke
- Straw
- Tea
- Texas Tea
- Viper's Weed
- Weed

MARIHUANA CIGARETTES:

- Ace
- Bomber
- Joints
- Muggles
- Reefers
- Roach
- Rope
- Stick

MARIHUANA TERMS:

- Blast a Joint
- Can of Pot
- Kilo of Pot
- Lid of Grass
- Manicured Tea
- Pot Head
- Smoke Canada
- Tea Head
- Tea Party
- Toke-Up
- Torch-Up
- Weed Head

MORPHINE:

- Cube
- "M"
- Miss Emma
- Morf
- Tab
- White Stuff

HEROIN:

- Big Harry
- Caballo
- Doo Jee
- Dope
- Duige
- "H"
- Hard Stuff
- Harry
- Horse
- Junk
- Schmeck
- Shit
- Skag
- Stuff
- Thing

COCAINE:

- "C"
- Cecil
- Coke
- Dynamite
- Flake
- Girl
- Happy Dust
- Joy Powder
- Snow
- Speed
- White Girl

PART VII
CHAPTER 3719: BARBITURATES; NARCOTIC DRUGS

(UNIFORM NARCOTIC DRUG ACT)

Section	
3719.01	Definitions.
3719.02	Manufacture and possession of narcotic drugs prohibited.
3719.03	Qualifications of applicant for license; suspension or revocation of license; renewals.
3719.04	Regulations for sale by manufacturer or wholesaler.
3719.05	Regulations for apothecary.
3719.06	Narcotics prescribed and administered by physicians; prescriptions.
3719.07	Record of drugs received, administered, compounded, and sold.
3719.08	Labels required; contents.
3719.09	Lawful possession.
3719.10	Nuisance.
3719.11	Narcotic drugs forfeited.
3719.12	Procedure upon conviction; suspension of license of physician, dentist, apothecary, or veterinarian.
3719.13	Inspection of prescriptions, orders, records, and stock.
3719.14	Exemptions.
3719.15	Exceptions.
3719.16	Conditions.
3719.17	Unethical practices forbidden.
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3719.19	Persons not subject to prosecution.
3719.20	Interpretation.
3719.21	Disposition of fines and forfeited bonds.
3719.22	Burden of proof on defendant; power to search and arrest.

(BARBITURATES)

3719.23	Definitions.
3719.24	Prohibition against delivery of barbiturates.
3719.25	Exceptions.
3719.26	Record of barbiturates on hand; prescriptions retained by pharmacist; record kept by practitioner.
3719.27	Inspection and checking of files and records.
3719.28	Rules and regulations.
3719.29	Disposition of fines.

(POISON)

3719.30	Prohibition against depositing poison on thoroughfares.
3719.31	Prohibition against careless distribution of samples containing drug or poison.
3719.32	Regulating the sale of poisons.
3719.33	Labeling poisons.
3719.34	Poisons not labeled.
3719.35	Preparations not labeled poison.
3719.36	Board of pharmacy shall enforce laws relating to poison; fines.
3719.99	Penalties.

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

(UNIFORM NARCOTIC DRUG ACT)

3719.01 Definitions. (GC 12672-1)

As used in sections 3719.01 to 3719.22, inclusive, of the Revised Code:

(A) "Person" includes any corporation, association, or partnership of one or more individuals.

(B) "Physician" means a person authorized to practice medicine in this state and any other person authorized to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(C) "Dentist" means a person authorized to practice dentistry in this state.

(D) "Veterinarian" means a person authorized to practice veterinary medicine in this state.

(E) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(F) "Wholesaler" means a person who supplies narcotic drugs that he himself has neither produced nor prepared, on official written orders, but not on prescriptions.

(G) "Apothecary" means a licensed pharmacist and, where the context requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist. Such sections do not confer on a person who is neither registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this state.

(H) "Hospital" means an institution for the care and treatment of the sick and injured, certified by the department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(I) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and clinical purposes and for purposes of instruction.

(J) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, servant, or employee.

(K) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivative of coca leaves, which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(L) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

(M) "Cannabis" includes the following substances under whatever names they are designated:

(1) The dried flowering or fruiting tops of the pistillate plant cannabis sative L. from which the resin has not been extracted;

(2) The resin extracted from such tops;

BARBITURATES; NARCOTIC DRUGS

(3) Every compound, manufacture, salt, derivative, mixture, or preparation of such resin or of such tops from which the resin has not been extracted.

(N) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, keto-bemidone, cannabis, and every substance not chemically distinguishable from them.

(O) "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine=4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

(P) "Amidone" means any substance identified chemically as 4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by whatever trade name designated.

(Q) "Isoamidone" means any substance identified chemically as 4, 4-diphenyl-5-methyl-6-dimethylaminohexanone-3- or any salt thereof, by whatever trade name designated.

(R) "Keto-bemidone" means any substance identified chemically as 4-(3-hydroxyphenyl)-1=methyl-4-piperidyl ethyl ketone hydrochloride or any salt thereof, by whatever trade name designated.

(S) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(T) "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law.

(U) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(V) "Registry number" means the number assigned to each person registered under the federal narcotic laws.

HISTORY: GC 12672-1; 116 v 491, 1; 123 v 266, 1. Eff 10-1-53. Former GC 12672-1, not analogous, was repealed in 116 v 491 (503), 23.

Cross-References to Related Sections
- Penalty, RC 3719.99(A).
- See RC 3719.02 which refers to RC 3719.01 et seq.

Comparative Legislation
- Uniform narcotic drug act:
    - Ill.--Smith-Hurd Rev Stat, ch 38, 192.1 et seq
    - Ind.--Burns' Stat, 1942 Repl, 10-3519 et seq
    - Ky.--KRS 218.010 et seq
    - Mass.--Ann Laws, ch 94, 197 et seq
    - Mich.--Stats Ann, 18.1071 et seq
    - N.Y.--Consol Laws, Pub H, 420 et seq; Pub H 1954, 3300 et seq
    - Tenn.--Williams' Code, 6618.1 et seq
    - W.Va.--Code 1949, 1385(1) et seq
- Anti-narcotic laws:
    - Ind.--Burns' Stat, 1942 Repl, 10-3519 et seq
    - Mass.--Ann Laws, ch 94, 197 et seq
    - Penn.--Purdon's Stat, tit 35, 781 et seq
    - Tenn.--Williams' Code, 6618 et seq
    - W.Va.--Code 1949, 1380 et seq

Definitions:
Ill.--Smith-Hurd Rev Stat, ch 38, 192.1
Ind.--Burns' Stat, 1942 Repl, 10-3519
Ky.--KRS 218.010
Mass.--Ann Laws, ch 94, 197
Mich.--Stats Ann, 18.1071
N.Y.--Consol Laws, Pub H, 421; Pub H 1954, 3301
Penn.--Purdon's Stat, tit 35, 851
Tenn.--Williams' Code, 6618.1
W.Va.--Code 1949, 1385(1)

Research Aids
Constitutionality of statutes:
Page: Food 1
O-Jur: Drugs 13
Criminal liability:
Page: Physicians 33
O-Jur: Drugs 12, 14

CASE NOTES

1. Practice in Ohio under the uniform criminal extradition act. Article by Charles E. Glander of the Columbus bar. 8 OSLJ 225.

3719.02 Manufacture and possession of narcotic drugs prohibited. (GC 12672-2)

No person shall manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized by sections 3719.01 to 3719.22, inclusive, of the Revised Code.

No person shall cultivate, grow, or by other processes produce opium, coca leaves, cannabis, or other narcotic drugs without first having obtained a license from the state board of pharmacy.

A fee of five dollars shall be charged for any license issued. The board may make rules and regulations governing the issuance of any such license. This section shall not apply to apothecaries, physicians, dentists, and veterinarians in the regular course of their legitimate professional activities.

HISTORY: GC 12672-2; 116 v 491 (493), 2. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(A).
See RC 3719.03 which refers to this section.

CASE NOTES

1. Where lease provided no business should be permitted conflicting with laws or ordinances or objectionable to owner, with forfeiture for violation, landlord could declare a forfeiture if acting in good faith for a violation of GC 12672-1 (RC 3719.01) et seq, and does not waive this right by acceptance of rent: Poulos v. Toledo Labor Bldg. Co., 22 App 426, 154 NE 57.

BARBITURATES; NARCOTIC DRUGS

3719.03 Qualifications of applicant for license; suspension or revocation of license; renewals. (GC 12672-3)

No license shall be issued under section 3719.02 of the Revised Code unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy:

(A) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(B) (1) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application;

(2) That his trade connections are such that there is a reasonable probability that he will apply all narcotic drugs grown or cultivated by him to scientific, experimental, medicinal or instructive purposes;

(3) That the applicant is in sufficiently good financial condition to carry out his obligation;

(4) That it is satisfactorily shown that the granting of such license is in the public interest.

No license shall be granted to any person who has, within five years, been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or any other narcotic drug, or to any person who is a narcotic drug addict.

The board may suspend or revoke, for cause, any license issued under sections 3719.01 to 3719.22, inclusive, of the Revised Code. All licenses shall be issued for a period of one year from the first day of July and renewals may be granted for a like period upon payment of a renewal fee of five dollars.

HISTORY: GC 12672-3; 116 v 491 (493), 3. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.04 Regulations for sale by manufacturer or wholesaler. (GC 12672-4)

(A) A licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(1) To a manufacturer, wholesaler, or apothecary;

(2) To a physician, dentist, or veterinarian;

(3) To a person in charge of a hospital, but only for use by or in that hospital; provided the official written order is signed by a physician, dentist, veterinarian, or apothecary connected with such hospital;

(4) To a person in charge of a laboratory, but only for use in that laboratory for scientific and clinical purposes.

(B) A licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(1) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties;

(2) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port; provided such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in

pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service;

(3) To a person in a foreign country, if the federal narcotic laws are complied with.

(C) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code. Compliance with the federal narcotic laws, respecting the requirements governing the use of order forms, constitutes a compliance with this division.

(D) Possession of or control of narcotic drugs contained as authorized by this section is lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(E) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under this section or otherwise, shall not administer, dispense, or otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to such sections.

HISTORY: GC 12672-4; 116 v 491 (494), 4. Eff 10-1-53.

Cross-References to Related Sections

Penalty, RC 3719.99(A).

See RC 3719.07, 3719.09 which refer to this section.

3719.05 Regulations for apothecary. (GC 12672-5).

(A) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, provided it is properly executed, dated, and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code. The prescription shall not be refilled.

(B) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(C) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medicinal purposes.

HISTORY: GC 12672-5; 116 v 491 (495), 5. Eff 10-1-53.

Cross-References to Related Sections

Penalty, RC 3719.99(A).

See RC 3719.07 which refers to this section.

3719.06 Narcotics prescribed and administered by physicians; prescriptions. (GC 12672-6)

(A) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, on a written prescription, administer, or dispense narcotic drugs, or he may cause the same to be administered by a nurse or intern under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom the narcotic drug is prescribed and the full name, address, and registry number under the federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

(B) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, on a written prescription, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal, the species of the animal for which the narcotic drug is prescribed and the full name, address, and registry number under the federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

(C) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any unused portion of such drug, when it is no longer required by the patient.

HISTORY: GC 12672-6; 116 v 491 (495), 6. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.07 Record of drugs received, administered, compounded, and sold. (GC 12672-8)

(A) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. The keeping of a record of the quantity, character, and potency of solutions or other preparations purchased or made up by a person using small quantities of solutions or other preparations of such drugs for local application, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients shall be a sufficient compliance with this division.

No record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours:

(1) Four grains of opium;

(2) One half of a grain of morphine or of any of its salts;

(3) Two grains of codeine or of any of its salts;

(4) One fourth of a grain of heroin or of any of its salts;

(5) A quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(B) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with division (E) of this section.

(C) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with division (E) of this section.

(D) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 3719.15 of the Revised Code, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with division (E) of this section.

(E) The keeping of a record required by or under the federal narcotic law, constitutes the only record required to be kept by every person who purchases for resale or who sells narcotic drug preparations exempted. Written orders shall not be required for the sale of cannabis indica or cannabis sativa, and sections 3719.04, 3719.05, and 3719.07 of the Revised Code in respect to written orders and records shall not apply to cannabis indica and cannabis sativa, but manufacturers and wholesalers of cannabis indica and cannabis sativa shall be required to render, with every sale of cannabis indica and cannabis sativa, an invoice whether such sale is for cash or on credit; and such invoice shall contain the date of such sale, the name and address of the purchaser, and the amount of cannabis indica or cannabis sativa so sold. Every purchaser of cannabis indica or cannabis sativa from a wholesaler or manufacturer shall be required to keep the invoice rendered with such purchase for a period of two years. The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

HISTORY: GC 12672-8; 116 v 491 (497), 8. Eff 10-1-53.
Penalty, RC 3719.99(A).

3719.08 Labels required; contents. (GC 12672-9)

(A) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under sections 3719.01 to 3719.22, inclusive, of the Revised Code, shall alter, deface, or remove any label so affixed.

(B) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing:

(1) His own name, address, and registry number, or the name, address, and registry number of the apothecary for whom he is acting;

(2) The name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal;

(3) The name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written;

(4) Such directions as may be stated on the prescription.

No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

HISTORY: GC 12672-9; 116 v 491 (499), 9. Eff 10-1-53.
Penalty, RC 3719.99(A).

3719.09 Lawful possession. (GC 12672-10)

A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under section 3719.04 of the Revised Code, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

HISTORY: GC 12672-10; 116 v 491 (499), 10. Eff 10-1-53.
Penalty, RC 3719.99(A).

3719.10 Nuisance. (GC 12672-12)

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be a common nuisance. No person shall maintain such a common nuisance.

HISTORY: GC 12672-12; 116 v 491 (499), 12. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(A).

Research Aids
Shop as nuisance:
Page: Nuisance 34 et seq
Sale of drugs:
Page: Food 6

3719.11 Narcotic drugs forfeited. (GC 12672-13)

All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(A) The court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States commissioner of narcotics, by the officer who destroys them.

(B) Upon written application by the department of health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives to said department, for distribution or destruction, as provided in this section.

(C) Upon application by any hospital within this state, not operated for private gain, the department may deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The department may deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics or may destroy the same.

(D) The department shall keep a complete record of all drugs received and of all drugs disposed of, showing:

(1) The exact kinds, quantities, and forms of such drugs;

(2) The persons from whom received and to whom delivered;

(3) By whose authority received, delivered, and destroyed;

(4) The dates of the receipt, disposal, or destruction. The record required in this section shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws.

HISTORY: GC 12672-13; 116 v 491 (500), 13. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(A).
Comparative Legislation
Disposition of forfeited narcotic drugs:
Ill.--Smith-Hurd Rev Stat, ch 38, 192.13
Ind.--Burns' Stat, 1942 Repl, 10-3532
Ky.--KRS 218.140

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Mass.--Ann Laws, ch 94, 215
Mich.--Stats Ann, 18.1071 et seq
N.Y.--Consol Laws, Pub H, 435; Pub H 1954, 3352
Tenn.--Williams' Code, 6618.14
W.Va.--Code 1949, 1385(14)

3719.12 Procedure upon conviction; suspension of license of physician, dentist, apothecary, or veterinarian. (GC 12672-14)

On the conviction of any person of the violation of sections 3719.01 to 3719.22, inclusive, of the Revised Code, a copy of the judgment and sentence and of the opinion of the court or magistrate, if any opinion is filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. Such board or officer shall have the power to revoke such license or registration.

Any physician, dentist, apothecary, or veterinarian, who is or shall become addicted to the drug habit, shall have his license or registration suspended by the board under which he has been licensed or registered until such time as such physician, dentist, apothecary, or veterinarian shall offer satisfactory proof to his respective board of having become cured of such habit. Upon any relapse from any such cure the license or registration of such physician, dentist, pharmacist, or veterinarian, shall become permanently revoked by the board under which he has been licensed or registered.

HISTORY: GC 12672-14; 116 v 491 (500), 14. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.13 Inspection of prescriptions, orders, records, and stock. (GC 12672-15)

Prescriptions, orders, and records, required by sections 3719.01 to 3719.22, inclusive, of the Revised Code, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge, by virtue of his office, of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

HISTORY: GC 12672-15; 116 v 491 (501), 15. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.14 Exemptions. (GC 12672-11)

Sections 3719.01 to 3719.22, inclusive, of the Revised Code in so far as they restrict the possession and control of narcotic drugs do not apply to:

(A) Common carriers or to warehousemen, while engaged in lawfully transporting or storing narcotic drugs, or to any employee of the same acting within the scope of his employment;

(B) Public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs;

(C) Temporary incidental possession by employees or agents of persons entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

HISTORY: GC 12672-11; 116 v 491 (499), 11. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.15 Exceptions. (GC 12672-7)

Except as specifically provided in sections 3719.01 to 3719.22, inclusive, of the Revised Code, such sections shall not apply to the following cases:

(A) Where a physician, dentist, or veterinarian administers or dispenses; or where an apothecary sells at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce:

(1) Not more than two grains of opium;

(2) Not more than one quarter of a grain of morphine or of any of its salts;

(3) Not more than one grain of codeine or of any of its salts;

(4) Not more than one eighth of a grain of heroin or any of its salts;

(5) Not more than one half of a grain of extract of cannabis nor more than one half of a grain of any more potent derivative or preparation of cannabis;

(B) Where a physician, dentist, or veterinarian administers or dispenses; or where an apothecary sells at retail liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combination as prevent their being readily extracted from such liniments, ointments, or preparations, except that such sections shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

HISTORY: GC 12672-7; 116 v 491 (496), 7. Eff 10-1-53.

Cross-References to Related Sections

Penalty, RC 3719.99(A).

See RC 3719.07, 3719.16, 3719.17 which refer to this section.

Comparative Legislation

Persons and corporations exempted from possession restrictions:

Ill.--Smith-Hurd Rev Stat, ch 38, 192.7
Ind.--Burns' Stat, 1942 Repl, 10-3526
Ky.--KRS 218.070
Mass.--Ann Laws, ch 94, 200
Mich.--Stats Ann, 18.1071 et seq
N.Y.--Consol Laws, Pub H, 433; Pub H 1954, 3332
Penn.--Purdon's Stat, tit 35, 854
Tenn.--Williams' Code, 6618.7
W.Va.--Code 1949, 1385(7)

3719.16 Conditions. (GC 12672-7)

The exemptions authorized by section 3719.15 of the Revised Code are subject to the following conditions:

(A) No person shall prescribe, administer, dispense, or sell, under the exemptions of such section, to any one person, or for the use of any one person or animal, any preparation included within such section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one half of a grain of morphine or (of) any of its salts, or more than two grains of codeine or of any of its salts, or more than one quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by such section from the operation of sections 3719.01 to 3719.22, inclusive, of the Revised Code.

(B) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, compounded, dispensed, and sold in good faith as a medicine, and not for the purpose of evading such sections.

Neither this section nor section 3719.15 of the Revised Code shall limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, compounded, dispensed, or sold, in compliance with sections 3719.01 to 3719.22, inclusive, of the Revised Code.

HISTORY: GC 12672-7; 116 v 491 (496), 7. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(A).

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1. Except as otherwise specifically provided in the uniform narcotic drug act, a physician, dentist or veterinarian may administer or dispense, and an apothecary may sell at retail the kind and quantity of narcotic drugs listed in paragraphs (1) and (2) of GC 12672-7 (pars. (A) and (B) of RC 3719.15) without complying with the general requirements of said act, providing such persons meet the conditions set forth in paragraphs (a) and (b) of said section (pars. (A) and (B) of RC 3719.16): 1942 OAG No. 4914.

2. When a physician, dentist, or veterinarian administers or dispenses, or an apothecary sells narcotic drugs of a kind not listed in GC 12672-7 (RC 3719.15, 3719.16), or in excess of the quantity permitted in said section, such persons must comply with the general requirements of the uniform narcotic drug act: 1942 OAG No. 4914.

3719.17 Unethical practices forbidden. (GC 12672-16)

(A) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug:

(1) By fraud, deceit, misrepresentation, or subterfuge;
(2) By the forgery or alteration of a prescription or of any written order;
(3) By the concealment of a material fact;
(4) By the use of a false name or the giving of a false address.

(B) Information communicated to a physician or dentist in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be a privileged communication.

(C) No person shall willfully make a false statement in any prescription, order, report, or record, required by sections 3719.01 to 3719.22, inclusive, of the Revised Code.

(D) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(E) No person shall make or utter any false or forged prescription or written order.

(F) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

This section applies to all transactions relating to narcotic drugs under section 3719.15 of the Revised Code, in the same way as it applies to transactions under all other sections. No person except a manufacturer or wholesaler or a retail dealer in surgical instruments, apothecary, physician, dentist, veterinarian, nurse, or intern shall at any time possess a hypodermic syringe or needle or any instrument or implement adapted for the use of habit-forming drugs by subcutaneous injections if possessed for the purpose of administering habit-forming drugs, unless such possession is authorized by the certificate of a physician issued within the period of one year prior to September 5, 1935.

HISTORY: GC 12672-16; 116 v 491 (501), 16. Eff 10-1-53.

Penalty, RC 3719.99(A)

3719.18 Enforcement officers; co-operation with federal agencies. (GC 12672-18)

The state board of pharmacy, its officers, agents, inspectors, and representatives, and all officers within the state, and all prosecuting attorneys, shall enforce sections 3719.01 to 3719.22, inclusive, of the Revised Code, except those specifically delegated, and co-operate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs.

HISTORY: GC 12672-18; 116 v 491 (502), 18. Eff 10-1-53.

Cross-References to Related Sections

Penalty, RC 3719.99(A).

See RC 3719.22 which refers to this section.

3719.19 Persons not subject to prosecution. (GC 12672-20)

No person shall be prosecuted for a violation of sections 3719.01 to 3719.22, inclusive, of the Revised Code, if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of such sections.

HISTORY: GC 12672-20; 116 v 491 (502), 20. Eff 10-1-53.

Penalty, RC 3719.99(A).

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3719.20 Interpretation. (GC 12672-22)

Sections 3719.01 to 3719.22, inclusive, of the Revised Code shall be so interpreted and construed as to effectuate their general purpose, to make the law of this state uniform with the law of those states which enact similar legislation.

HISTORY: GC 12672-22; 116 v 491 (503), 22. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.21 Disposition of fines and forfeited bonds. (GC 12672-19)

All fines or forfeited bonds assessed and collected under prosecutions or prosecutions commenced for violations of sections 3719.01 to 3719.22, inclusive, of the Revised Code, shall within thirty days, be paid to the secretary of the state board of pharmacy and by him paid into the state treasury.

HISTORY: GC 12672-19; 116 v 491 (502), 19. Eff 10-1-53.

Penalty, RC 3719.99(A).

3719.22 Burden of proof on defendant; power to search and arrest. (GC 12672-17)

In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in such sections, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. For the purpose of enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code, any one empowered to enforce as provided in section 3719.18 of the Revised Code may enter and search any room, rooms, or other place wherein a violation of sections 3719.01 to 3719.22, inclusive, of the Revised Code, is believed to exist. No one shall hinder, obstruct, or interfere with the enforcement of such sections. Any one empowered to enforce sections 3719.01 to 3719.22, inclusive, of the Revised Code, may arrest without warrant any person found to be violating the laws relating to traffic in narcotics and take such person before any officer having jurisdiction in such proceedings.

HISTORY: GC 12672-17; 116 v 491 (502), 17. Eff 10-1-53. Analogous to former GC 12672-1.

Penalty, RC 3719.99(B).

(BARBITURATES)

3719.23 Definitions. (GC 12673)

As used in sections 3719.23 to 3719.29, inclusive, of the Revised Code:

(A) "Barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea, having hypnotic or somnifacient action, and compounds, preparations, and mixtures thereof.

(B) "Delivery" means sale, dispensing, giving away, or supplying in any other manner.

(C) "Patient" means either of the following:

(1) The individual for whom a barbiturate is prescribed or to whom a barbiturate is administered;

(2) The owner or the agent of the owner of the animal for which a barbiturate is administered.

(D) "Person" includes individual, corporation, partnership, and association.

(E) "Practitioner" means a person licensed in this state to prescribe and administer drugs.

(F) "Pharmacist" means a person registered with the state board of pharmacy as a compounder, dispenser, and supplier of drugs.

(G) "Prescription" means a written order, and in cases of emergency, a telephonic order, by a practitioner to a pharmacist for a barbiturate for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient, and, if such barbiturate is prescribed for an animal, the species of such animal, the name and quantity of the barbiturate prescribed, the direction for use of such drug, and the signature of such practitioner.

(H) "Manufacturer" means persons other than pharmacists who manufacture barbiturates, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

(I) "Wholesaler" means persons engaged in the business of distributing barbiturates to persons included in any of the classes named in divisions (A) to (G), inclusive, of section 3719.25 of the Revised Code.

(J) "Warehouseman" means a person who store* barbiturates for others and who have** no control over the disposition of such barbiturates except for the purpose of such storage.

HISTORY: GC 12673; 123 v 174, 1. Eff 10-1-53. Not analogous to former GC 12673 (110 v 417 (419)), repealed in 116 v 491 (503), 23.

*So in enrolled bill. Apparently, "stores" was intended.

**So in the enrolled bill. Apparently "has" was intended.

Cross-References to Related Sections
Penalty, RC 3719.99(C).

Comparative Legislation
Barbiturate act:
Ill.--Smith-Hurd Rev Stat, ch 38, 186c
Ky.--KRS 217.460
Tenn.--Williams' Code, 6632.6

3719.24 Prohibition against delivery of barbiturates. (GC 12673-1)

No person shall:

(A) Deliver any barbiturate unless:

(1) Such barbiturate is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing all of the following matter:

(a) The name and address of the owner of the establishment from which such drug was delivered;

(b) The date on which the prescription for such drug was filled;

(c) The number of such prescription as filed in the prescription files of the pharmacist who filled such prescription;

(d) The name of the practitioner who prescribed such drug;

(e) The name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal;

(f) The direction for use of the drug as contained in the prescription;

(2) Such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, and the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

(B) Refill any prescription for a barbiturate unless so designated on the prescription by the practitioner.

(C) Deliver a barbiturate upon prescription unless the pharmacist who filled such prescription files and retains it as required by division (B) of section 3719.26 of the Revised Code.

(D) Possess a barbiturate unless such person obtained such drug on the prescription of a practitioner or in accordance with division (A) (2) of this section or from a person licensed by the laws of any other state or the District of Columbia to prescribe or dispense barbiturates.

(E) Refuse to make available and to accord full opportunity to check any record or file as required by section 3719.27 of the Revised Code.

(F) Fail to keep records as required by divisions (A), (B), or (C) of section 3719.26 of the Revised Code.

(G) Use to his own advantage, or reveal other than to an officer or employee of the state board of pharmacy, or to a court when relevant in a judicial proceeding under sections 3719.23 to 3719.29, inclusive, of the Revised Code, any information required under the authority of section 3719.27 of the Revised Code concerning any method or process which as a trade secret is entitled to protection.

(H) Obtain or attempt to obtain a barbiturate by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription; or by the use of a false name or the giving of a false address.

Any practitioner who gives a prescription to a pharmacist by telephone shall give a written prescription to such pharmacist within seventy-two hours after such telephone message.

HISTORY: GC 12673-1; 123 v 174, 2. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(C).
See RC 3719.25 which refers to this section.
Comparative Legislation
Unlawful delivery:
Ill.--Smith-Hurd Rev Stat, ch 38, 186d
Ky.--KRS 217.460

3719.25 Exceptions. (GC 12673-2)

Divisions (A) and (D) of section 3719.24 of the Revised Code do not apply to the delivery of barbiturates to persons included in any of the classes named in this section, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, or to the possession of barbiturates by the following persons or their agents or employees for such use:

(A) Pharmacists;

(B) Practitioners;

(C) Persons who procure barbiturates for disposition by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale;

(D) Hospitals and other institutions which procure barbiturates for lawful administration by practitioners;

(E) Officers or employees of federal, state, or local governments;

(F) Manufacturers and wholesalers;

(G) Carriers and warehousemen.

HISTORY: GC 12673-2; 125 v 174 (175), 3. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(C).
See RC 3719.23, 3719.26 which refer to this section.
Comparative Legislation
Lawful delivery:
Ill.--Smith-Hurd Rev Stat, ch 38, 186e
Ky.--KRS 217.480

3719.26 Record of barbiturates on hand; prescriptions retained by pharmacist; record kept by practitioner. (GC 12673-3)

(A) Persons, other than carriers, to whom section 3719.25 of the Revised Code is applicable shall:

(1) Make a complete record of all stocks of barbiturates on hand on August 12, 1949, and retain such record for not less than two calendar years immediately following such date;

(2) Retain each commercial or other record relating to barbiturates maintained by them in the usual course of their business or occupation, for not less than two calendar years immediately following the date of such record.

(B) Pharmacists shall, in addition to complying with division (A) of this section, retain each prescription for a barbiturate received by them, for not less than two calendar years immediately following the date of the filling or the date of the last refilling of such prescription, whichever is the later date.

(C) A practitioner shall, in addition to complying with division (A) of this section, keep a record of all such barbiturates administered, dispensed, or professionally used by him otherwise than by prescription, for not less than two calendar years immediately following the date of the last administering, dispensing, or professional use; such record shall give the name and address of the patient, but need not be kept when the amount administered, dispensed, or professionally used in the treatment of any one patient does not exceed twelve grains in any forty-eight consecutive hours.

HISTORY: GC 12673-3; 123 v 174 (176), 4. Eff 10-1-53.

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Cross-Reference to Related Sections
Penalty, RC 3719.99(C).
See RC 3719.24, 3719.27 which refer to this section.
Comparative Legislation
Records to be kept:
Ill.--Smith-Hurd Rev Stat, ch 38, 186f
Ky.--KRS 217.510

3719.27 Inspection and checking of files and records. (GC 12673-4)

Persons required, by section 3719.26 of the Revised Code, to keep files or records shall, upon the written request of an officer or employee designated by the state board of pharmacy, make such files or records available to such officer, or employee, at all reasonable hours, for inspection and copying, and accord to such officer or employee full opportunity to check the correctness of such files or records, including opportunity to make inventory of all stocks of barbiturates on hand. No person shall fail to make such files or records available or to accord such opportunity to check their correctness.

HISTORY: GC 12673-4; 123 v 174 (176), 5. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(C).
See RC 3719.24 which refers to this section.
Comparative Legislation
Inspection of files and records:
Ill.--Smith-Hurd Rev Stat, ch 38, 186f
Ky.--KRS 217.520

3719.28 Rules and regulations. (GC 12673-5)

The state board of pharmacy is hereby authorized to promulgate necessary regulations for the administration and enforcement of sections 3719.23 to 3719.29, inclusive, of the Revised Code, in accordance with sections 119.01 to 119.13, of the Revised Code.

HISTORY: GC 12673-5; 123 v 174 (177), 6. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(C).
Comparative Legislation
Rules and regulations:
Ky.--KRS 217.520

3719.29 Disposition of fines. (GC 12673-6)

All fines or forfeited bonds assessed and collected under prosecution commenced in the enforcement of sections 3719.23 to 3719.29, inclusive, of the Revised Code, shall within thirty days, be paid to the secretary of the state board of pharmacy and by him paid into the state treasury.

HISTORY: GC 12673-6; 123 v 174 (177), 7. Eff 10-1-53.

Comparative Legislation
Penalty provisions:
Ill.--Smith-Hurd Rev Stat, ch 38, 186g
Ky.--KRS 217.990(13)
Tenn.--Williams' Code, 6632.7

(POISON)

3718.30 Prohibition against depositing poison on thoroughfares. (GC 12663)

No person shall leave or deposit poison or a substance containing poison in a common, street, alley, lane, or thoroughfare, or a yard or enclosure occupied by another.

Whoever violates this section shall be liable to the person injured for all damages sustained thereby.

HISTORY: GC 12663; RS 6958; 74 v 13, 1. Eff 10-1-53.

Cross-References to Related Sections
Penalty, RC 3719.99(D).
Enforcement of this section, RC 3719.36.
See RC 3719.36 which refers to RC 3719.30 et seq.

Comparative Legislation
Poison:
Ill.--Smith-Hurd Rev Stat, ch 38, 479
Ky.--KRS 217.400
N.Y.--Consol Laws, Penal, 1754
Penn.--Purdon's Stat, tit 18, 4639

Forms
Depositing poison on thoroughfare. Schneider No. 173.

Research Aids
Poisons generally:
Page: Poisons 1
O-Jur: Poisons 1 et seq
Am-Jur: Poisons 1 et seq
Medicine:
Page: Druggists 5, Physicians 17
Liability for injury consequent upon spraying or dusting of crop. 12 ALR2d 436.

CASE NOTES

1. The mere fact that lands are unenclosed does not bring them within the term "common" as used in this section; and a manufacturer who deposits poisonous refuse from his factory on his own unenclosed land is not liable for the loss of stray cattle that eat thereof: Ferguson v. Miami Powder Co., 9 CC 445, 6 CD 408.

2. It is the duty of the state board of pharmacy to enforce the laws relative to pharmaceutical preparations and the sale thereof: 1921 OAG vol. 2, p.1129.

BARBITURATES; NARCOTIC DRUGS

3. Dealers in insecticides need not be registered pharmacists or assistants employed in a pharmacy under the management and control of a legally registered pharmacist, but must comply with GC 1177-29 et seq (repealed 123 v 824), 12663 et seq and 12706 et seq (RC 3719.30 et seq and 4729.28 et seq): 1928 OAG p.2770.

3719.31 Prohibition against careless distribution of samples containing drug or poison. (GC 12664, 12665)

No person shall leave, throw, or deposit upon the doorstep or premises owned or occupied by another, or hand, give, or deliver to any person, except in a place where it is kept for sale, a patent or proprietary medicine, preparation, pill, tablet, powder, cosmetic, disinfectant, or antiseptic, or a drug or medicine that contains poison or any ingredient that is deleterious to health, as a sample or for the purpose of advertising.

As used in this section "drug," "medicine," "patent or proprietary medicine," "pill," "tablet," "powder," "cosmetic," "disinfectant," or "antiseptic" includes all remedies for internal or external use.

Penalty, 3719.99 (K)

OJur 2d: 18, Drugs and Druggists 2,23,24

PART VIII

OHIO CODE SUPPLEMENT

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

2. A defendant charged in federal court with being a transferee of and acquiring a quantity of marihuana without having paid the federal transfer tax may assert the constitutional privilege against self-incrimination as a total defense to prosecution: United States v. Covington, 44 OO (2d) 477, 282 FSupp 886.

3. In the prosecution of an accused charged with the larceny of narcotic drugs, there is a failure of proof of a stealing of narcotic drugs where there is a total lack of qualification of those testifying to identify what was stolen and there is no competent evidence that what was taken and later recovered was "narcotics:" State v. Ciesielski, 18 OApp(2d) 85, 47 OO(2d) 118, 247 NE(2d)321.

4. It is essential in the prosecution of an accused charged with the larceny of narcotic drugs that the government prove that some item described in RC 3719.01, paragraph (L), which defines "narcotic drugs," was taken: State v. Ciesielski, 18 OApp(2d) 85, 47 OO(2d) 118,247 NE(2d) 321.

3719.02 Manufacture, sale and possession of narcotic drugs prohibited; license.

No person shall cultivate, grow, or by other process produce or manufacture and no person on land owned, occupied, or controlled by him shall knowingly allow to be cultivated, grown, or produced, any opium, coca leaves, cannabis, marijuana, or other narcotic drug without first obtaining a license as a manufacturer of narcotic drugs from the state board of pharmacy.

All licenses issued pursuant to this section shall be for a period of one year from the last day of June and may be renewed for a like period annually according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code.

The annual license fee shall be five dollars and shall accompany each application for a license or renewal thereof.

*HISTORY: 126 v 178 (180) (Eff 9-16-55); 132 v H911 (Eff 6-11-68); 133 v H742. Eff 11-21-69.

For discussion, see Schneider TEXT 35.9.2.

Cross-References to Related Sections

Penalty, RC 3719.99(A), (L).

Research Aids

What constitutes "possession" of a narcotic drug proscribed by 2 of the Uniform Narcotic Drug Act. 91 ALR2d 810.

CASE NOTES

1. An arrest without a warrant is proper where the facts and circumstances within the knowledge of the officers were sufficient in themselves to warrant a man of reasonable caution in the belief that the defendant was guilty of a felony in the unlawful possession of narcotic drugs in violation of this section: United

States v. Pierce, 56 OO 44, 124 FSupp 264.

2. Constitutional law; free exercise of religion denied as defense to narcotics charge, 28 OSLJ 369.

(3719.02.1) 3719.021 Licensing narcotic drug manufacturers, wholesalers and pharmacists.

No person except a licensed manufacturer, pharmacist, or owner of a pharmacy shall possess for sale, sell, or dispense narcotic drugs, pursuant to an official written order, without first obtaining a license as a wholesaler of narcotic drugs from the state board of pharmacy..

All licenses issued pursuant ot this section shall be for a period of one year from the thirtieth day of June and may be renewed for a like period annually according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code.

The annual license fee shall be five dollars and shall accompany each application for such license or renewal thereof. All such renewal fees shall be paid in advance by the renewal applicant to the treasurer of state, and entered by the treasurer on the records of the state board of pharmacy.

HISTORY: 126 v. 178 (181) (Eff 9-16-55); 132 v H911 (Eff 6-11-68); 133 v H742. Eff 11-21-69.

Cross-References to Related Sections Penalty, RC 3719.99(B), (L).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.03 Qualifications of applicant for license; revocation.

No license shall be issued under section 3719.02 or 3719.021 (3719.02.1) of the Revised Code unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy:

(A) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character;

(B) That the applicant is equipped as to land, buildings and paraphernalia properly to carry on the business described in his application;

(C) That the applicant's trade connections are such that there is a reasonable probability that he will apply all narcotic drugs grown, cultivated, processed, or possessed by him to scientific, experimental, medicinal, or instructive purposes;

(D) That the applicant is in sufficiently good financial condition to carry out his obligation;

(E) That the applicant has satisfactorily shown that the granting of such license is in the public interest.

No license shall be granted to any person who has, within five years, been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or any other narcotic drug, or to any person who is a narcotic drug addict.

The board may suspend or revoke, for cause, any license issued under section 3719.02 or 3719.021 (3719.02.1) of the Revised Code.

*HISTORY: 126 v 178 (181), 1. Eff 9-16-55.

Cross-References to Related Sections

Penalty, RC 3719.99(L).

See RC 3719.48 which refers to RC 3719.03 to 3719.07.

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.04 Regulations for sale by manufacturer or wholesaler.

(A) A licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons and subject to the following conditions:

(1) To a manufacturer, wholesaler, pharmacist, or owner of a pharmacy pursuant to an official written order;

(2) To a practitioner pursuant to an official written order;

(3) To a person in charge of a hospital, but only for use by or in that hospital pursuant to an official written order signed by a practitioner or pharmacist connected with such hospital;

(4) To a person in charge of a laboratory pursuant to an official written order, but only for use in that laboratory for scientific and clinical purposes;

(5) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties pursuant to a special written order as required by regulations promulgated by the United States commissioner of narcotics pursuant to the federal narcotic laws;

(6) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port; provided such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service:

(7) To a person in a foreign country, if the federal narcotic laws are complied with.

(B) An official written order for any narcotic drug shall be signed in triplicate by the person giving said order or by his authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code. Compliance with the federal narcotic laws, respecting the requirements governing the use of a special official written order constitutes

a compliance with this division.
*HISTORY: 126 v. 178 (181), 1. Eff 9-16-55.

Cross-References to Related Sections
Penalty, RC 3719.99(L).

3719.05 Regulations for pharmacists.

(A) A pharmacist may dispense narcotic drugs to any person upon a written or oral prescription given by a practitioner. Each written prescription shall be properly executed, dated, and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the narcotic drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The pharmacist filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the owner of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of sections 3719.01 to 3719.22, inclusive, of the Revised Code. Each oral prescription shall be recorded by the pharmacist and such record shall show the name and address of the patient for whom, or of the owner of the animal for which, the narcotic drug is dispensed, the full name, address, and registry number under the federal narcotic laws of the practitioner prescribing, the name of the narcotic drug dispensed, the amount dispensed, and the date when dispensed. Such record shall be retained on file by the owner of the pharmacy in which it is filled for a period of two years. No prescription shall be refilled.

(B) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or owner of a pharmacy registered under the federal narcotic laws pursuant to an official written order.

(C) A pharmacist may dispense, upon an official written order to a practitioner in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medicinal purposes.

*HISTORY: 126 v. 178(182), 1. Eff 9-16-55.

Cross-References to Related Sections
Penalty, RC 3719.99(H), (L).

Forms
Dispensing narcotics without prescription. Schneider No. 119.

Research Aids
Construction of provision of uniform narcotic drug act requiring a physician's prescription as a prerequisite to a pharmacist's sale of narcotics. 10 ALR3d 560.

CASE NOTES

1. An inspector of the state board of pharmacy could not have the authority under this section and RC 3719.26 and 3719.27 to remove from the records required to be kept by a pharmacist under those sections a prescripiion for narcotics or barbiturates for use as evidence, except when such evidence is taken as a result of lawful search incident to a lawful arrest of the pharmacist so required to keep such records, for a violation of the law which would cause such records to be useful as evidence; 1962 OAG No. 3039.

3719.06 Regulations for practitioners; prescriptions.

(A) A practitioner licensed to prescribe, dispense, and administer narcotic drugs to a human being in the course of his professional practice may prescribe by a written or oral prescription, administer, or dispense narcotic drugs, or he may cause the same to be administered under his direction and supervision. Each written prescription shall be dated and signed by the practitioner prescribing on the day when issued and shall bear the full name and address of the person for whom the narcotic drug is prescribed and the full name, address, and registry number under the federal narcotic laws of the person prescribing.

(B) A practitioner licensed to prescribe, dispense, and administer narcotic drugs to an animal in the course of his professional practice and not for use by a human being, may prescribe, by a written or oral prescription, administer, and dispense narcotic drugs or he may cause them to be administered by an assistant or orderly under his direction and supervision. Each written prescription shall be dated and signed by the practitioner prescribing on the day when issued and shall bear the full name and address of the owner of the animal, the species of the animal for which the narcotic drug is prescribed and the full name, address, and registry number under the federal narcotic laws of the practitioner prescribing.

(C) Any person, who has obtained from a practitioner any narcotic drug for administration to a human being or an animal during the absense of such practitioner, shall return to such practitioner any unused portion of such drug, when it is no longer required by such human being or animal.

*HISTORY: 126 v. 178(183), 1. Eff 9-16-55.

Cross-References to Related Sections
Penalty, RC 3719.99(H), (L).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.07 Record of drugs received; administered, compounded, and sold.

(A) Every practitioner, or other person who is authorized to administer or use narcotic drugs, shall keep a record of all such drugs received by him, and a record of all such drugs administered, dispensed, or used by him, otherwise than by prescription in accordance with the provisions of division (E) of this section. The keeping of a record of the quantity, character, and potency

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of solutions or other preparations purchased or made up by a practitioner or other person using small quantities of solutions or other preparations of narcotic drugs for local application, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients is a sufficient compliance with this division.

No record need be kept of narcotic drugs administered, dispensed, or used in the treatment of any one person or animal, when the amount administered, dispensed, or used for that purpose does not exceed in any forty-eight consecutive hours:

(1) Two grains of opium;

(2) One-half of a grain of morphine or of any of its salts;

(3) Four grains of codeine or any of its salts;

(4) Two grains of dihydrocodeine or any of its salts;

(5) One-half grain of ethylmorphine or any of its salts;

(6) A quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(B) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared by them, and of all narcotic drugs received or dispensed by them, in accordance with division (F) of this section.

(C) Every owner of a pharmacy shall keep records of all narcotic drugs received or dispensed by them, in accordance with division (G) of this section.

(D) Every person who purchases for resale, or who dispenses narcotic drug preparations exempted by section 3719.15 of the Revised Code shall keep a record showing the quantities and kinds thereof received, dispensed, or disposed of otherwise, in accordance with divisions (E), (F), and (G) of this section.

(E) Every practitioner or other person, except a pharmacist, manufacturer, or wholesaler, authorized to administer or use narcotic drugs shall, when the keeping of a record is required by the federal narcotic laws or regulations promulgated by the United States commissioner of narcotics, keep a record of all narcotic drugs received, administered, dispensed, or used which shall contain:

(1) A description of all narcotic drugs received, the quantity of narcotic drugs received, the name and address of the person from whom received, and the date of receipt;

(2) The kind and quantity of narcotic drugs administered, dispensed, or used, the date of administering, dispensing, or using, the name and address of the person to whom, or for whose use, or the owner and species of the animal for which the narcotic drug was administered, dispensed, or used.

(F) Every manufacturer and wholesaler shall keep a record af all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, received, or dispensed by him which shall contain:

(1) A description of the kind and quantity of all drugs produced or prepared, the name and address of the person from whom received, and the date of receipt;

(2) The kind and quantity of narcotic drugs dispensed, the name and address of each person to whom a narcotic drug is dispensed, the amount of the narcotic drug dispensed to each person, and the date it was so dispensed.

(G) Every owner of a pharmacy shall keep a record of all narcotic drugs received or dispensed by him which shall contain:

(1) The kind and quantity of narcotic drugs received, the name and address of the person from whom narcotic drugs are received, and the date of receipt;

(2) The name, place of residence, and signature of each person to whom narcotic drugs including those otherwise exempted by section 3719.15 of the Revised Code are dispensed, the kind and quantity of such narcotic drugs dispensed to each person, the date such narcotic drugs are dispensed to each person, and the name and address of the practitioner prescribing drugs to the person to whom they are dispensed.

Every such record shall be kept for a period of two years and the date of the transaction recorded.

The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as specified in this section, constitutes compliance with this section.

Every person who purchases for resale or who sells narcotic drug preparations exempted by section 3719.15 of the Revised Code shall keep the record required by or under the federal narcotic law.

*HISTORY: 126 v 178(183), 1; 127 290, 1; 128 v 1044, 1 (Eff 10-22-59); 129 1796, 1. Eff 10-13-61.

Cross-References to Related Sections
Penalty, RC 3719.99(B), (L).

Forms
False statement to obtain exempt narcotic. Schneider No.120.

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.08 Labeling.

(A) Whenever a manufacturer dispenses a narcotic drug, and whenever a wholesaler dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which such narcotic drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except a pharmacist for the purpose of filling a prescription under sections 3719.01 to 3719.22, inclusive, of the Revised Code shall alter, deface, or remove any label so affixed.

(B) Whenever a pharmacist dispenses any narcotic drug on a prescription issued by a practitioner, he shall affix to the container in which such narcotic drug is dispensed, a label showing:

(1) His own name, address, and registry number, or the name, address, and registry number of the owner of the pharmacy for whom he is acting;

(2) The name and address of the patient for whom the narcotic drug is prescribed or, if the patient is an animal, the name and address of the owner of the

animal and the species of the animal;

(3) The name, address, and registry number of the practitioner by whom the prescription was written;

(4) Such directions as may be stated on the prescription.

No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

*HISTORY: 126 v 178(185), 1. Eff 9-16-55.

Cross-References to Related Sections
Penalty, RC 3719.99(B), (L).

3719.09 Possession.

No person except a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to administer or dispense narcotic drugs by the provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code, shall have in his possession or under his control any narcotic drug or narcotic drug preparation unless such drug is exempted under the provisions of section 3719.15 of the Revised Code, and the quantity of such drug does not exceed two grains of opium, or one-half of a grain of morphine or any of its salts, or four grains of codeine or of any of its salts, or two grains of dihydrocodeine, or any of its salts, or one-half grain of ethylmorphine or any of its salts, or a quantity of any other narcotic drug or any combination of narcotic drugs that exceeds in pharmacologic potency any one of the drugs named above in the quantity stated, or unless such drug was obtained pursuant to a prescription issued by a practitioner and is in the original container in which it was dispensed to such person. Possession by a person not excepted by the provisions of this section of a narcotic drug not exempted by the provisions of this section is presumptive evidence of intent to violate the provisions of this section.

*HISTORY: 126 v 178(186), 1; 128 1044(1046), 1. (Eff 10-22-59); 129 1796 (1798), 1. Eff 10-13-61.

For discussion, see Schneider TEXT 35.91, 35.105.

Cross-References to Related Sections
Penalty, RC 3719.99(C), (L).

CASE NOTES

1. Where the defendant in a prosecution for the possession of narcotics admits he placed the narcotic where it was found and it clearly appears that it was under his control, sufficient proof of possession is shown, even though defendant contends he was holding it for another: State v. Lightfoot, 77 OLA 257, 149 NE(2d) 173 (App).

2. Possession for sale, possession, and permitting the use of a house for the illegal keeping of narcotics are not lesser to and included in the offense of sale: State v. Johnson, 83 OLA 437, 165 NE(2d) 814 (App).

3. The offense of possession of narcotics is a lesser included offense of possession for sale: State v. Johnson, 83 OLA 437, 165 NE(2d) 814 (App).

4. The offense of permitting the use of a house for the illegal keeping of narcotic drugs is not a lesser included offense in the offenses of possession for sale or possession: State v. Johnson, 83 OLA 437, 165 NE(2d) 814 (App).

5. The offense of unlawfully possessing a narcotic drug (126 v. 178, 186) is a lesser included offense of the offense of possession for sale of a narcotic drug (RC 3719.20 (A), 126 v. 178, 188, 189): State v. Johnson, 112 App 124, 16 OO(2d) 51, 165 NE(2d)814.

6. Where a narcotic drug is found in an apartment occupied by a third person at the time, and the accused is ten blocks away at that time, the statutory presumption of intent to violate this section does not apply, and the evidence is insufficient to support a finding of "mens rea:" State v. Peters, 12 OApp(2d) 83, 41 OO(2d) 161, 231 NE(2d) 91.

3719.10

Cross-References to Related Sections
Penalty, RC 3719.99(B), (L).

(3719.101) 3719.101 Prohibited use of buildings or vehicles.

No person shall knowingly permit the use of any store, shop, warehouse, dwelling house, vehicle, boat, aircraft, or any other place whatever owned or controlled by him for the illegal keeping, dispensing, or administering of narcotic drugs.

*HISTORY: 126 v 178(186), 1. Eff 9-16-55.

For discussion, see Schneider TEXT 35.88, 35.91

Cross-References to Related Sections
Penalty, RC 3719.99(C), (L).

CASE NOTES

1. The trail court did not err in refusing to withdraw from the jury's consideration certain counts in an indictment relating to defendant's permission to use his dwelling house to dispense and keep a narcotic drug, contrary to the provisions of this section: State v. Cloud, 14 OO(2d) 132, 168 NE(2d) 761 (App).

2. The offense of permitting the use of a house for the illegal keeping of narcotic drugs is not a lesser included offense of the offenses of possession for sale or possession of a narcotic drug; nor are the latter offenses included within the former: State v. Johnson, 112 App 124, 16 OO(2d) 51, 165 NE(2d) 814.

3. Evidence that the accused lived in an apartment and paid rent is not, by itself, sufficient to establish that he "knowingly" permitted the use of the apartment for the illegal keeping of a drug within this section: State v. Peters, 12 OApp(2d) 83, 41 OO(2d) 161, 231 NE(2d) 91.

4. Where an accused is charged with the crime of permitting the use of a dwelling controlled by him for the illegal keeping of narcotic drugs contrary to this section, statements obtained by custodial interrogation relating to his

living at, and paying rent for, such dwelling are incriminating and fall under the "Miranda" doctrine: State v. Peters, 12 OApp(2d) 83, 41 OO(2d) 161, 231 NE(2d) 91.

3719.11

Cross-References to Related Sections
Penalty, RC 3719.99(L).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

(3719.11.1) 3719.111 Forfeiture of vehicles.

Any vehicle, boat, or aircraft which has been or is being used by a person when violating any of the provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code shall be seized and forfeited to the municipal corporation or county in which such violation occurred.

The provisions of this section shall not apply to common carriers, to innocent owners, nor shall they affect the rights of a holder of a valid lien.

HISTORY: 126 v 178(186), 1. Eff 9-16-55.

For discussion, see Schneider TEXT 35.85.

3719.12 Procedure upon conviction; revocation of license.

On the conviction of a manufacturer, wholesaler, practitioner, pharmacist, or nurse of the violation of sections 3719.01 to 3719.22, inclusive, of the Revised Code a copy of the judgment and sentence of the court or magistrate shall be sent by the clerk of the court, or by the magistrate, to the board or officer by whom such manufacturer, wholesaler, practitioner, pharmacist, or nurse has been licensed or registered to practice his profession or to carry on his business. Such board or officer shall have the power to revoke such license or registration.

*HISTORY: 126 v 178(186), 1. Eff 9-16-55.

Cross-References to Related Sections
Penalty, RC 3719.99(L).
See RC 3719.48 which refers to this section.

(3719.12.1) 3719.121 Suspension of licenses of addicts.

Any practitioner, nurse, pharmacist, manufacturer, or wholesaler, who is or becomes addicted to the use of narcotic drugs, shall have his license or registration suspended by the board under which he has been licensed or registered until such time as such practitioner, nurse, pharmacist, manufacturer, or wholesaler offers satisfactory proof to such board that he is no longer addicted to the use of narcotic drugs.

HISTORY: 126 v 178(186), 1 (Eff 9-16-55); 129 v 582 (816), 1. Eff 1-10-61.

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Style deviations in this section were corrected by the amendment in HB 1 (129 v 582). No change in the law was intended; see RC 1.25.

3719.13

Cross-References to Related Sections
Penalty, RC 3719.99(H).

3719.14

Cross-References to Related Sections
Penalty, RC 3719.99(L).

3719.15 Exceptions.

Except as specifically provided in sections 3719.01 to 3719.22, inclusive, of the Revised Code, such sections shall not apply to the following cases:

(A) Where a practitioner administers or dispenses; or where a pharmacist or owner of a pharmacy sells at retail any medicinal preparation that contains in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce:

(1) Not more than two grains of opium;

(2) Not more than one quarter of a grain of morphine or of any of its salts;

(3) Not more than one grain of codeine or of any of its salts;

(4) Not more than one-half grain of dihydrocodeine or any of its salts;

(5) Not more than one-quarter grain of ethylmorphine or any of its salts.

Each preparation nentioned in divisions (A) (1), (2), (3), (4), and (5) of this section shall in addition contain one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(6) Pharmaceutical preparations in solid form containing not more than two and five-tenths milligrams, diphenoxylate and not less than twenty-five micrograms atropine sulfate per dosage unit.

(B) Where a practitioner administers or dispenses; or where a pharmacist sells at retail, liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combination as prevent their being readily extracted from such liniments, ointments, or preparations, except that such sections shall apply to all liniments, ointments and other preparations, that contain coca leaves in any quantity or combination.

The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, compounded, dispensed, and sold in good faith as a medicine, and not for the purpose of evading such sections.

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(C) Where a practitioner administers or dispenses, or where a pharmacist sells at retail, pharmaceutical preparations, designated under federal narcotic laws as "Class M" products, containing noscapine or any of its salts, papaverine or any of its salts, narceine or any of its salts, cocarnine or any of its salts, or nalorphine or any of its salts, each preparation shall not be limited by quantity of the narcotic drug, but the preparation shall contain active or inactive non-narcotic ingredients of the type used in medicinal preparations.

Records of disposition of "Class M" products shall not be required of any person except manufacturers of "Class M" products.

*HISTORY: 126 v 178(187), 1 (Eff 9-16-55); 129 v 1796 (1798), 1. Eff 10-13-61.

For discussion, see Schneider TEXT 35.105.

CASE NOTES

See also case note 1 under RC 3719.08.

1. By the provisions of this section, a medicinal preparation which contains not more than two grains of opium in one fluid ounce is excepted from RC 3719.17: Folenius v. Eckle, 109 App 152, 10 OO(2d) 367, 164 NE(2d) 458.

2. When two purchases, each of one ounce of paregoric, are made within forty-eight consecutive hours, each such purchase is the obtaining of a preparation within the contemplation of this section: Folenius v. Sacks, 174 OS 103, 104, 21 OO(2d) 362, 187 NE(2d) 22.

3. An indictment, which charges an accused with obtaining "more than one preparation of an exempted narcotic, to wit: preparations of paregoric, which contained in excess of two (2) grains of opium within forty-eight (48) consecutive hours," is valid: Michael v. Maxwell, 117 App 167, 23 OO(2d) 327, 191 NE (2d) 368.

4. An indictment which charges petition "did unlawfully obtain more than one preparation, exempted under this section, to wit: paregoric within forty-eight consecutive hours" does not charge a crime within the meaning of RC 3719.16, providing that "No person shall obtain or attempt to obtain under the exemptions of RC 3719.15, more than one preparation exempted by the provisions of that section within forty-eight consecutive hours," and is therefore sufficient to confer jurisdiction on the trial court to impose sentence or fine: Folenius v. Sacks, 90 OLA 378 (App).

3719.16 Sale of exempted drugs.

No person shall dispense or sell, under the exemptions of section 3719.15 of the Revised Code to any one person, or for the use of any one person or animal, any preparation included within such section, when he knows, or can by reasonable diligence ascertain, that such dispensing or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is dispensed or sold, within any forty-eight consecutive hours, with more than two grains of opium, or more than one-half of a grain of morphine or any of its salts, or more than four grains of codeine or of any of its salts, or more than two grains of dihydrocodeine or any of its salts, or more than one-half grain of ethylmorphine or any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by the provisions of section 3719.15 of the Revised Code.

No person shall obtain or attempt to obtain, under the exemptions of section 3719.15 of the Revised Code, more than one preparation exempted by the provisions of that section within forty-eight consecutive hours.

The provisions of this section shall not apply to Class M narcotics as defined in section 3719.15 of the Revised Code.

*HISTORY: 126 v 178 (187); 127 v 290 (292), 1; 128 v 1044 (1046), 1 (Eff 10-22-59); 129 v 1796 (1799), 1. Eff 10-13-61.

For discussion, see Schneider TEXT 35.105, 35.109.

Cross-References to Related Sections

Penalty, RC 3719.99(A), (L).

Forms

Obtaining excessive exempted drugs. Schneider No. 125.

CASE NOTES

See case note 2 under RC 3719.15.

(3719.16.1) 3719.161 Evaporation to increase concentration prohibited.

No person shall alter an exempt preparation from the original compounded form by evaporation or other means to increase the concentration of narcotic drug contained therein. Altered preparations having a greater concentration of narcotic drug content than specified under provisions of section 3719.15 of the Revised Code, shall be classified as a narcotic drug falling within provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code.

HISTORY: 128 v 1044 (1047), 1. Eff 10-22-59.

For discussion, see Schneider TEXT 35.87.

Penalty, RC 3719.99(A).

Forms

Altering exempt narcotic preparation. Schneider No. 118.

3719.17 Illegal procurement of narcotic drugs.

No person shall obtain or attempt to obtain a narcotic drug including those otherwise exempted by section 3719.15 of the Revised Code, or procure or attempt to procure the administration of a narcotic drug including those otherwise exempted by section 3719.15 of the Revised Code:

(A) By fraud, deceit, misrepresentation, or subterfuge;

(B) By the forgery or alteration of a prescription or of any written order;

(C) By the concealment of a material fact;

(D) By the use of a false name or the giving of a false address;

(E) By falsely assuming the title of or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other person authorized to possess narcotic drugs.

OHIO CODE SUPPLEMENT

Information communicated to a practitioner in an effort to unlawfully procure a narcotic drug, or unlawfully to procure the administration of a narcotic drug, shall not be a privileged communication.

*HISTORY: 126 v 178 (188); 1 (Eff 9-16-55); 130 v 853, 1. Eff 8-5-63.

For discussion, see Schneider TEXT 35.90, 35.93, 35.95, 35.96, 35.99, 35.111.

Cross-References to Related Sections

Penalty, RC 3719.99(A), (L).

Forms

Forgery of narcotics prescription. Schneider No. 121; Obtaining narcotics by fraud. No. 126; Obtaining narcotics by use of false name. No. 126.1.

CASE NOTES

1. Under RC 2941.10, an indictment for unlawfully obtaining a narcotic drug by giving a false name, in violation of this section, is not objectionable because it fails to negative the exception contained in RC 3719.15: Folenius v. Eckle, 109 App 152, 10 OO (2d) 367, 164 NE(2d) 458.

2. The preparation commonly called "paregoric" is a medicinal preparation, but is not a narcotic drug under this section: Folenius v. Eckle, 109 App 152, 10 OO(2d) 367, 164 NE(2d) 458.

3. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

(3719.17.1) 3719.171 Illegal prescriptions, written orders, records, labels.

No person shall:

(A) Knowingly make a false statement in any prescription, order, report, or record, required by sections 3719.01 to 3719.22, inclusive, of the Revised Code;

(B) Make or utter any false or forged prescription or official written order;

(C) Affix any false or forged label to a package or receptacle containing narcotic drugs.

HISTORY: 126 v 178 (188), 1. Eff 9-16-55.

For discussion, see Schneider TEXT 35.98, 35.100.

Cross-References to Related Sections

Penalty, RC 3719.99(A), (L).

Forms

Illegal prescription. Schneider No. 124.

(3719.17.2) 3719.172 Illegal possession of instruments for administering drugs.

No person, except a manufacturer or wholesaler or retail dealer in surgical instruments, owner of a pharmacy, pharmacist, practitioner, nurse, or other person authorized to administer narcotic drugs, shall possess a hypodermic syringe or needle or any instrument or implement adopted for the use of habit-forming drugs by the subcutaneous injection for the purpose of administering habit-forming drugs, unless such possession is authorized by the certificate of a physician issued within the period of one year.

HISTORY: 126 v 178 (188), 1. Eff 9-16-55.

For discussion, see Schneider TEXT 35.106.

Cross-References to Related Sections

Penalty, RC 3719.99(B), (L).

Forms

Illegal possession of hypodermic needle. Schneider No. 122.

CASE NOTES

1. In a prosecution for a violation of this section which prohibits the possession of instruments for administering drugs unless authorized by the certificate of a physician, the accused must prove the genuineness of a prescription he claims exempts him from the operation of such statute: State v. Casper, 106 App 176, 6 OO (2d) 437, 154 NE (2d) 9.

3719.18

Cross-References to Related Sections

Penalty, RC 3719.99(L).

See RC 3719.48 which refers to this section.

3719.19

Cross-References to Related Sections

Penalty, RC 3719.99(L).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.20 Prohibitions.

No person shall:

(A) Possess for sale a narcotic drug except in accordance with the provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code;

(B) Sell a narcotic drug except in accordance with the provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code;

(C) Induce or attempt to induce another person to unlawfully use or administer a narcotic drug;

(D) Unlawfully dispense or administer a narcotic drug to a minor;

(E) Employ, induce, or use a minor to unlawfully transport, carry, dispense, produce, or manufacture a narcotic drug;

(F) Induce or attempt to induce a minor to violate any of the provisions of sections 3719.01 to 3719.20, inclusive, of the Revised Code;

(G) Induce or attempt to induce a minor to use a narcotic drug except in accordance with a prescription issued by a practitioner;

(H) Conspire with another person or persons to violate section 3719.09, division (C), (D), (E), (F), or (G) of section 3719.20, or section 3719.101 (3719.10.1) of the Revised Code;

OHIO CODE SUPPLEMENT

(I) Steal a narcotic drug from a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy or other person authorized to administer, dispense, or possess narcotic drugs;

(J) While undergoing treatment and being supplied with narcotic drugs or prescription for narcotic drugs from one physician, obtain narcotic drugs from another physician without disclosing this fact to the second physician;

(K) Have carnal knowledge of another person knowing that such other person is under the influence of a narcotic drug.

*HISTORY: 126 v 178 (188), 1. Eff 9-16-55.

For discussion, see Schneider TEXT 35.89, 35.91, 35.94, 35.97, 35.101, 35.103, 35.104, 35.107, 35.108, 35.110

Cross-References to Related Sections

Penalty, RC 3719.99(C), (D), (E), (F), (G), (L).

Carrying concealed weapon, RC 2923.01, 2923.01.2.

Forms

Possessing narcotics for sale, Schneider No. 127; Illegal sale of narcotics. No. 128; Inducing another to use narcotics. No. 129; Dispensing narcotics to minor. No. 130; Employing minor to carry narcotics. No. 131; Inducing minor to use narcotics. No. 132; Stealing a narcotic. No. 133; Obtaining narcotic from two sources. No. 134.

CASE NOTES

See case note 5 under RC 3719.09.

1. The possession for sale and the sale of narcotics are separate and distinct offenses: State v. Lightfoot, 77 OLA 257, 149 NE (2d) 173 (App).

3719.21

Cross-References to Related Sections

Penalty, RC 3719.99(L).

See RC 3719.48 which refers to this section.

3719.22

Cross-References to Related Sections

Penalty, RC 3719.99(H), (L).

CASE NOTES

1. The rights and protections guaranteed to all people by the Fourth Amendment may not be altered by any state statutory provisions and to the extent that this section would relax the rights and protections guaranteed by the Fourth Amendment, it is unconstitutional and void: State v. Smith, 29 OO (2d) 437 (C.P.).

2. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.23 Definitions.

As used in sections 3719.23 to 3719.29, inclusive, of the Revised Code:

(A) "Barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea, having hypnotic or somnifacient action, and compounds, preparations, and mixtures thereof.

(B) "Amphetamine" means any drug which contains any quantity of amphetamine or any of its optical isomers or any salt of amphetamine or any salt of an optical isomer or amphetamine.

(C) "Delivery" means sale, dispensing, giving away, or supplying in any other manner.

(D) "Patient" means either of the following:

(1) The individual for whom a barbiturate or amphetamine is prescribed or to whom a barbiturate or amphetamine is administered;

(2) The owner or the agent of the owner of the animal for which a barbiturate or amphetamine is prescribed or to which a barbiturate or amphetamine is administered.

(E) "Person" includes individual, corporation, partnership, and association.

(F) "Practitioner" means a person licensed in this state to prescribe and administer drugs.

(G) "Pharmacist" means a person registered with the state board of pharmacy as a compounder, dispenser, and supplier of drugs.

(H) "Prescription" means a written order, and in cases of emergency, a telephonic order, by a practitioner to a pharmacist for a barbiturate or amphetamine for a particular patient which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient, and if such barbiturate or amphetamine is prescribed for an animal, the species of such animal, the name and quantity of the barbiturate or amphetamine prescribed, the direction for use of such drug, and in the case of a written order, such order shall be signed by the practitioner by whom it is given.

(I) "Manufacturer" means persons other than pharmacists who manufacture barbiturates or amphetamines, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

(J) "Wholesaler" means persons engaged in the business of distributing barbiturates or amphetamines to persons included in any of the classes named in divisions (A) to (F), inclusive, of section 3719.25 of the Revised Code.

(K) "Warehouseman" means a person who stores barbiturates or amphetamines for others and who has no control over the disposition of such barbiturates or amphetamines except for the purpose of such storage.

*HISTORY: 130 v 854 (Eff 7-26-63); 133 v H 90. Eff 11-19-69.

Cross-References to Related Sections

Penalty, RC 3719.99(I).

Assurance against violation of RC 3719.23 to 3719.29 by wholesale distributor of dangerous drugs, RC 4729.53.

Revocation of license of wholesale distributor of dangerous drugs for violation of RC 3719.23 to 3719.29, RC 4729.57.

3719.24 Prohibition against delivery of barbiturates.

No person shall:

(A) Deliver any barbiturate or amphetamine unless:

OHIO CODE SUPPLEMENT

(1) Such barbiturate or amphetamine is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing all of the following matter:

(a) The name and address of the owner of the establishment from which such drug was deliverd;

(b) The date on which the prescription for such drug was filled;

(c) The number of such prescription as filed in the prescription files of the pharmacist who filled such prescription;

(d) The name of the practitioner who prescribed such drug;

(e) The name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal;

(f) The direction for use of the drug as contained in the prescription;

(2) Such barbiturate or amphetamine is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, and the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

(B) Refill any prescription for a barbiturate or amphetamine unless so designated on the prescription by the practitioner;

(C) Deliver a barbiturate or amphetamine upon prescription unless the pharmacist who filled such prescription files and retains it as required by division (B) of section 3719.26 of the Revised Code;

(D) Possess a barbiturate or amphetamine unless such person obtained such drug on the prescription of a practitioner or in accordance with division (A)(2) of this section or from a person licensed by the laws of any other state or the District of Columbia to prescribe or dispense barbiturates or amphetamines;

(E) Refuse to make available and to accord full opportunity to check any record or file as required by section 3719.27 of the Revised Code;

(F) Fail to keep records as required by division (A), (B), or (C) of section 3719.26 of the Revised Code;

(G) Use to his own advantage, or reveal other than to an officer or employee of the state board of pharmacy, or to a court when relevant in a judicial proceeding under sections 3719.23 to 3719.29, inclusive, of the Revised Code, any information required under the authority of section 3719.27 of the Revised Code concerning any method or process which as a trade secret is entitled to protection;

(H) Obtain or attempt to obtain a barbiturate or amphetamine by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription; or by the use of a false name or the giving of a false address.

Nothing in this section shall be construed to interfere with or make illegal the purchase, collection, or possession of any drug or drugs by any law enforcement official when necessary to purchase, collect, or possess such a drug or drugs in the performance of his official duties as a law enforcement officer.

*HISTORY: 130 v 855 (Eff 7-26-63); 130 v Pt.2, 193 (Eff 12-16-64); 133 v H90. Eff 11-19-69.

Cross-References to Related Sections

Penalty, 3719.99(I), (J).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.25 Exceptions.

Divisions (A) and (D) of section 3719.24 of the Revised Code do not apply to the delivery of barbiturates or amphetamines to persons included in any of the classes named in this section, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the possession of barbiturates or amphetamines by the following persons or their agents or employees for such use:

(A) Pharmacists;
(B) Practitioners;
(C) Persons who procure barbiturates or amphetamines for disposition by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale;
(D) Hospitals and other institutions which procure barbiturates or amphetamines for lawful administration by practitioners;
(E) Manufacturers and wholesalers;
(F) Carriers and warehousemen.

*HISTORY: 130 v 856 (Eff 7-26-63); 133 v H90. Eff 11-19-69.

Cross-References to Related Sections
Penalty, RC 3719.99(I).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.26 Record of barbiturates on hand; prescriptions retained by pharmacist; record kept by practitioner.

(A) Persons, other than carriers, to whom section 3719.25 of the Revised Code is applicable shall:

(1) Make a complete record of all stocks of barbiturates or amphetamines on hand, and retain such record for not less than two calendar years;

(2) Retain each commercial or other record relating to barbiturates or amphetamines maintained by them in the usual course of their business or occupation, for not less than two calendar years immediately following the date of such record.

(B) Pharmacists shall, in addition to complying with division (A) of this section, retain each prescription for a barbiturate or amphetamine received by them, for not less than two calendar years immediately following the date of the filling or the date of the last refilling of such prescription, whichever is the later date.

(C) A practitioner shall, in addition to complying with division (A) of this section, keep a record of all such barbiturates or amphetamines administered, dispensed, or professionally used by him otherwise than by prescription, for not less than two calendar years immediately following the date of the last administering, dispensing, or professional use; such record shall give the name and address of the patient, but need not be kept when the amount administered, dispensed, or professionally used in the treatment of any one patient does not exceed twelve grains in any forty-eight consecutive hours.

*HISTORY: 133 v H90. Eff 11-19-69.

Cross-References to Related Sections

Penalty, RC 3719.99(I).

See case note 1 under RC 3719.05.

3719.27 Inspection and checking of files and records.

Persons required, by section 3719.26 of the Revised Code, to keep files or records shall, upon the written request of an officer or employee designated by the state board of pharmacy make such files or records available to such officer or employee, at all reasonable hours, for inspection and copying, and accord to such officer or employee full opportunity to check the correctness of such files or records, including opportunity to make inventory of all stocks of barbiturates or amphetamines on hand. No person shall fail to make such files or records available or to accord such opportunity to check their correctness.

*HISTORY: 133 v H90. Eff 11-19-69.

Cross-References to Related Sections

Penalty, RC 3719.99(I).

See case note 1 under RC 3719.05

3719.28 Rules and regulations.

The state board of pharmacy is hereby authorized to promulgate necessary regulations for the administration and enforcement of sections 3719.02, 3719.021 (3719.02.1), 3719.07 and sections 3719.23 to 3719.29, inclusive, of the Revised Code, in accordance with sections 119.01 to 119.13 of the Revised Code.

*HISTORY: 126 v 178 (189), 1. Eff 9-16-55.

Cross-References to Related Sections

Penalty, RC 3719.99(I).

3719.30

Cross-References to Related Sections

Penalty, RC 3719.99(J).

Poisons, economic, regulation of, RC 921.20.

Forms

Depositing poison on thoroughfare. Schneider No. 212.

CASE NOTES

1. Where township trustees have caused weeds growing in a highway under their control to be treated with a poisonous chemical for the purpose of destroying them, and such sprayed weeds have been eaten by domestic animals grazing in an adjacent pasture, and such animals have thereby been killed, questions of mixed law and fact are presented as to the possible negligence of

the trustees and the possible contributory negligence of the owner of such animals. Where such negligence is found, in the absence of any element of contributory negligence, such trustees would be liable in their official capacity for such damage under RC 5571.10. The township.

2. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369. trustees have authority to compromise or settle a claim for such damage: 1955 OAG No. 5839.

3719.31

Cross-References to Related Sections
Penalty, RC 3719.99(K).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.32 Regulating the sale of poisons.

(The amendment in 130 v Pt.2, 194, corrected the spelling of the word "strophanthus" in line 18 of this section. No other change was made.)

*HISTORY: 130 v Pt.2, 194. Eff 12-16-64.

Style deviations in this section were corrected by the amendment in HB 5 (130 v Pt. 2, 194). No change in the law was intended; see RC 1.27.

Cross-References to Related Sections
Penalty, RC 3719.99(L).

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.33

Cross-References to Related Sections
Penalty, RC 3719.99(L).

3719.36

CASE NOTES

1. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

3719.40 Hallucinogen defined.

As used in sections 3719.41 to 3719.49, inclusive, of the Revised Code, "hallucinogen" means d-lysergic acid diethylamide, commonly known as LSD, N-N-dimethyltryptamine, commonly known as DMT, psilocybin, mescaline, peyote, bufotenin, epena, parica, ayahuasca, yage, caapi, amanita muscaria, and any other compound, mixture, preparation, or substance which produces hallucinations or illusions when introduced into the body.

OHIO CODE SUPPLEMENT

HISTORY: 132 v S74, 1. Eff 9-20-67.

3719.41 Purchase, use of, possession or control of, prohibited; exceptions.

No person shall, with intent to produce hallucinations or illusions, purchase, use, possess, or have under his control an hallucinogen. Possession or control of any hallucinogen specifically named in section 3719.40 of the Revised Code constitutes prima-facie evidence of a violation of this section, except that this section does not apply to the use, possession, or control of any hallucinogen by licensed manufacturers, wholesalers, pharmacists, owners of pharmacies, physicians, and other persons, for research, clinical, or medicinal purposes authorized by federal law or any rules or regulations adopted pursuant thereto.

HISTORY: 132 v S74, 1. Eff 9-20-67.
Penalty, RC 3719.99.

CASE NOTES

1. Proof of possession, use, or control by a juvenile of an hallucinogen is sufficient evidence upon which a juvenile court can find such juvenile a delinquent under RC chapter 2151: In re Baker, 18 OApp(2d) 276, 47 OO(2d) 411, 248 NE(2d) 620.

3719.42 License for manufacture.

No person shall, for the purpose of producing hallucinations, or illusions, or knowing an hallucinogen will be used for such purpose, manufacture, produce, cultivate, grow, prepare, sell, offer for sale, barter, give away, or dispense an hallucinogen, or knowingly permit the same to be done on land owned, occupied, or controlled by him, without first obtaining a license as a manufacturer of hallucinogens from the state board of pharmacy. The manufacture, production, cultivation, growing, preparation, selling, offering for sale, bartering, giving away, or dispensing of any hallucinogen specifically named in section 3719.40 of the Revised Code constitutes prima-facie evidence of a violation of this section.

HISTORY: 132 v S74, 1. Eff 9-20-67.
Penalty, RC 3719.99.

3719.43 Wholesaler's license required.

No person except a licensed pharmacist or owner of a pharmacy, or a manufacturer licensed under section 3719.42 of the Revised Code shall possess for sale, or sell, barter, exchange, dispense, give away, or make offer therefor, any hallucinogen without obtaining a license as a wholesaler of hallucinogens from the state board of pharmacy.

HISTORY: 132 v S74, 1. Eff 9-20 67.
Penalty, RC 3719.99.

3719.44 Prohibitions.

No person shall:

(A) Steal any hallucinogen from a manufacturer, wholesaler, pharmacist, owner of a pharmacy, physician, or other person authorized to use or possess hallucinogens; or while undergoing treatment and being supplied with any hallucinogens or prescription therefor from one physician, obtain any hallucinogen from another physician without disclosing this fact to the second physician; or have carnal knowledge of another person knowing that such other person is under the influence of an hallucinogen;

(B) Possess for sale any hallucinogen except in accordance with sections 3719.40 to 3719.49, inclusive, of the Revised Code, or conspire with another person or persons to violate section 3719.43, division (C) or (E) of section 3719.44, or section 3719.47 of the Revised Code;

(C) Induce or attempt to induce another person to unlawfully use or administer any hallucinogen; or employ, induce, or use a minor to unlawfully transport, carry, dispense, produce, or manufacture any hallucinogen; or induce or attempt to induce a minor to violate any of the provisions of sections 3719.40 to 3719.49, inclusive, of the Revised Code; or induce or attempt to induce a minor to use any hallucinogen except in accordance with a prescription issued by a physician;

(D) Sell, barter, exchange, or give away, or make offer therefor, any hallucinogen except in accordance with sections 3719.40 to 3719.49, inclusive, of the Revised Code;

(E) Unlawfully dispense or administer any hallucinogen to a minor.

HISTORY: 132 v S74 (Eff 9-20-67); 133 v H 1. Eff 3-18-69.

Style deviations in this section were corrected by HB 1 (133 v -). No change in the meaning of the law was intended; see RC 1.29.

Penalty, RC 3719.99.

CASE NOTES

See case note 1 under RC 3719.41.

3719.45 Unlawful acquisition; privileged commission not applicable.

No person shall obtain or attempt to obtain or procure the administration or attempt to procure the administration of any hallucinogen by fraud, deceit, misrepresentation, subterfuge, forgery, or alteration of a prescription or of any written order, or by the concealment of a material fact, or by the use of a false name or the giving of a false address, or by falsely assuming the title of or representing himself to be a manufacturer, wholesaler, pharmacist, owner of a pharmacy, physician, or other person authorized to possess hallucinogens.

No person shall knowingly make a false statement in any prescription, order, report, or record, required by sections 3719.40 to 3719.49, inclusive, of the Revised Code; or make or utter any false or forged prescription or written order; or affix any false or forged label to a package or receptacle containing hallucinogens.

Information communicated to a physician in an effort to unlawfully procure any hallucinogen or unlawfully procure the administration or dispensing of any hallucinogen is not a privileged communication.

HISTORY: 132 v S74, 1. Eff 9-20-67.

Penalty, RC 3719.99.

3719.46 Maintaining place frequented by users; common nuisance.

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by users of hallucinogens for the purpose of using hallucinogens or which is used for the illegal keeping or selling of the same, is a common nuisance. No person shall maintain such a common nuisance.

HISTORY: 132 v S74, 1. Eff 9-20-67.

Penalty, RC 3719.99.

3719.47 Seizure and forfeiture of property; exceptions.

No person shall knowingly permit the use of any store, shop, warehouse, dwelling house, vehicle, boat, aircraft, or any other place whatever owned or controlled by him for the illegal keeping, dispensing, or administering of hallucinogens.

Any vehicle, boat, or aircraft which has been or is being used by a person when violating any of the provisions of sections 3719.40 to 3719.49, inclusive, of the Revised Code shall be seized and forfeited to the municipal corporation or county in which such violation occurred. The forfeiture provisions of this section shall not apply to common carriers or innocent owners, nor shall they affect the rights of a holder of a valid lien.

HISTORY: 132 v S74, 1. Eff 9-20-67.

Penalty, RC 3719.99.

3719.48 Narcotic statutes applicable to hallucinogen.

(A) Section 3719.03 of the Revised Code with respect to the issuance, suspension, or revocation of licenses of manufacturers and wholesalers of narcotic drugs, shall apply to the issuance, suspension, or revocation of licenses under section 3719.42 or 3719.43 of the Revised Code, and, in addition, no license under sections 3719.42 or 3719.43 of the Revised Code shall be granted to any person who has, within five years, been convicted of a willful violation of any law of the United States, or of any state, relating to hallucinogens.

Section 3719.12 of the Revised Code with respect to the procedure on conviction of the narcotic drug laws and the revocation of licenses, shall apply to convictions for violations of sections 3719.40 to 3719.49, inclusive, of the Revised Code.

(B) The regulations governing sale by manufacturers or wholesalers contained in section 3719.04 of the Revised Code, the regulations governing dispensing and sale by pharmacists contained in section 3719.05 of the Revised Code, and the regulations governing prescribing, dispensing, or administering by licensed practitioners contained in section 3719.06 of the Revised Code, apply to hallucinogens the same as to narcotic drugs.

(C) The requirements of section 3719.07 of the Revised Code relating to the keeping of records of narcotic drugs received, administered, compounded, and sold, apply to hallucinogens, except that appropriate records shall be kept in all cases involving hallucinogens regardless of the amount received, sold, administered, or compounded.

(D) Section 3719.18 of the Revised Code relating to enforcement, officers responsible for enforcement, and cooperation with agencies of the federal government and other states, section 3719.21 of the Revised Code relating to the disposition of fines and forfeited bonds, and section 3719.22 of the Revised Code relating to the burden of proof and the power of search and arrest, apply to sections 3719.40 to 3719.49, inclusive, of the Revised Code.

HISTORY: 132 v S74 (Eff 9-20-67); 133 v H 1. Eff 3-18-69.

Style deviations in this section were corrected by HB 1 (133 v -). No change in the meaning of the law was intended; see RC 1.29.

3719.49 Acquittal or conviction under federal law, effect.

No person shall be prosecuted for a violation of sections 3719.40 to 3719.49, inclusive, of the Revised Code, if such person has been acquitted or convicted under the federal laws relating to hallucinogens of the same act or omission which, it is alleged, constitutes a violation of such sections.

HISTORY: 132 v S74, 1. Eff 9-20-67.

3719.99 Penalties.

(A) Whoever violates section 3719.02, 3719.16, 3719.161 (3719.16.1), 3719.17, 3719.171 (3719.17.1), or 3719.45 of the Revised Code shall be fined not more than ten thousand dollars, and imprisoned not less than two nor more than five years for a first offense; for a second offense such person shall be fined not more than ten thousand dollars and imprisoned not less than five nor more than ten years; for a third offense and each subsequent offense thereafter such persons shall be fined not more than ten thousand dollars and imprisoned not less than ten nor more than twenty years.

(B) Whoever violates section 3719.021 (3719.02.1), 3719.07, 3719.08, 3719.10, 3719.172 (3719.17.2), 3719.43, or 3719.46 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not less than one nor more than five years for a first offense; for each subsequent offense such person shall be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned not less than one nor more than five years.

(C) Whoever violates section 3719.09, 3719.101 (3719.10.1), division (I), (J), or (K) of section 3719.20, section 3719.42, division (A) of section 3719.44, or section 3719.47 of the Revised Code shall be fined not more than ten thousand dollars and imprisoned not less than two nor more than fifteen years for a first offense; for a second offense such person shall be fined not more than ten thousand dollars and imprisoned not less than five nor more than twenty years; for a third offense and each subsequent offense thereafter such person shall be fined not more than ten thousand dollars and imprisoned not less than ten nor more than thirty years.

(D) Whoever violates division (A) or (H) of section 3719.20 or division (B) of section 3719.44, of the Revised Code shall be imprisoned not less than ten nor more than twenty years for the first offense; for a second offense such person shall be imprisoned not less than fifteen nor more than thirty years; for a third offense such person shall be imprisoned not less than twenty nor more than forty years.

(E) Whoever violates division (C), (E), (F), or (G) of section 3719.20 or division (C) of section 3719.44 of the Revised Code shall be imprisoned not less than ten nor more than twenty-five years for the first offense; for a second offense such person shall be imprisoned not less than twenty-five nor more than fifty years.

(F) Whoever violates division (B) of section 3719.20 or division (D) of section 3719.44 of the Revised Code shall be imprisoned not less than twenty nor more than forty years.

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(G) Whoever violates division (D) of section 3719.20 or division (E) of section 3719.44 of the Revised Code shall be imprisoned not less than thirty years, with a maximum sentence of life imprisonment.

(H) Whoever violates section 3719.05, 3719.06, 3719.13 or 3719.22 of the Revised Code shall be fined not more than five hundred dollars for a first offense; for each subsequent offense such person shall be fined not more than one thousand dollars.

(I) Whoever violates division (D) of section 3719.24 of the Revised Code shall be fined not more than one thousand dollars or imprisoned not more than one year, or both, for a first offense; for each subsequent offense such person shall be fined not more than one thousand dollar(s) or imprisoned not more than ten years, or both.

(J) Whoever violates division (A), (B), (C), (E), (F), (G), or (H) of section 3719.24 of the Revised Code shall be fined not more than one thousand dollars or imprisoned not less than one nor more than five years, or both, for a first offense; for each subsequent offense such person shall be fined not more than five thousand dollars or imprisoned not less than two nor more than twenty years, or both.

(K) Whoever violates section 3719.30 of the Revised Code shall be fined not less than five nor more than fifty dollars or imprisoned not less than five nor more than thirty days, or both.

(L) Whoever violates section 3719.31 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty nor more than one hundred days, or both.

(M) Whoever violates section 3719.32 or 3719.33 of the Revised Code shall be fined not less than ten nor more than fifty dollars.

(N) Whoever violates section 3719.41 of the Revised Code shall be fined not more than one thousand dollars or imprisoned not more than one year, or both, for a first offense; for each subsequent offense such person shall be imprisoned not less than one nor more than ten years.

A person who violates any of the provisions of sections 3719.01 to 3719.22, inclusive, of the Revised Code shall be deemed to be a subsequent offender if he has been previously convicted of a similar felonious offense under the laws of the United States or any state or territory relative to narcotic drugs.

No person convicted of a second offense for violation of division (C), (D), (E), (F), or (G) of section 3719.20 or of division (C) or (E) of section 3719.44 of the Revised Code shall have the benefit of probation.

No person convicted of violating division (H) of section 3719.20 of the Revised Code shall have benefit of probation.

*HISTORY: 126 v 178 (189); 128 v 1044 (1047) (Eff 10-22-59); 132 v S74 (Eff 9-20-67); 133 v H 1 (Eff 3-18-69): 133 v H 90. Eff 11-19-69.

Cross-References to Related Sections

Poisons, economic, regulation of, RC 921.20.

CASE NOTES

1. An accused who pleads guilty to an offense punishable by imprisonment in the penitentiary up to five years may not secure his release before the elapse of such time by a proceeding in habeas corpus based merely on the claims that he entered the plea of guilty upon the representation and understanding that his term of imprisonment would be for one year, that he was sentenced to

such definite term, and that such term has expired: In re Smith, 162 OS 58, 54 OO 10, 120 NE(2d) 736.

2. The provisions of RC 5145.01 are applicable to a sentence under this section, and such sentence should be for an indeterminate period: State v. Preston, 100 App 536, 60 OO 412, 137 NE(2d) 446.

3. Constitutional law; free exercise of religion denied as defense to narcotics charge. 28 OSLJ 369.

PART IX

DRUG ABUSE

Am. Sub. H.B. 874

Reps. Mastics - Scott - Levitt - Fry - McNamara - Norris - Knight - Murdock - Davidson - Hollington - Wilhelm - Rentschler - Celebrezze - Sweeney - McCarthy - Flannery - DeLaine - James - Burden - Fiocca - D. Jones - Johnson - Tulley - Bartunek - Schmidt - Scherer - Mayfield - C. Jones - Mallory - Swanbeck - Heintzelman - Smith - Nord - Voinovich - Cruze - Hiestand - Pottenger - Hale - Rutkowski - Riffe - Quilter - Lancione

Sens. Weeks - Aronoff - Weisenborn - Guyer - Collins - Regula - Ocasek - Mottl - Gillmor - Taft - Bowen (of Hamilton) - Bowen (of Franklin) - Nye - Dennis - Jackson

Revises the laws regarding drug abuse, as follows: (1) requires the public school curriculum to include instruction on the harmful effects and legal restrictions against the use of drugs of abuse, alcohol, and tobacco; (2) defines "drugs of abuse" to include narcotics, barbiturates, amphetamines, hallucinogens, harmful intoxicants (i.e. glue-sniffing substances), and danagerous drugs; defines "drug dependent person" as a drug of abuse user who has become physically or psychologically, or both, dependent on drugs, to the detriment of his health, or welfare; defines "person in danger of becoming a drug dependent person" as an habitual or incontinent user in imminent danger of drug dependence; (3) provides a procedure whereby a trial court may place drug dependent offenders on probation on condition that they undergo treatment for their drug dependence; revises the definition of "mentally ill individual" so as to extend application of the laws relating to treatment and hospitalization of the mentally ill to drug dependent persons; provides that minors 16 and over may apply on their own behalf for admission to a mental hospital for treatment for drug dependence or danger of drug dependence; legalizes the methadone treatment for incurable narcotics addicts, when administered under controlled conditions; requires the Department of Mental Hygiene and Correction to establish special facilities for the treatment and rehabilitation of drug dependent persons; (4) redefines cannabis as an hallucinogen, thus making first offense possession of marijuana a misdemeanor; requires imposition of the misdemeanor penalty where sentence is imposed after the effective date of the act for first offense possession of marijuana under the narcotics possession law; permits persons convicted and sentenced prior to the effective date of the act for first offense possession of marijuana under the narcotics possession law to apply to the trial court to have the felony sentence vacated and new sentence imposed under the misdemeanor provision; (5) enacts a prohibition against glue-sniffing; (6) increases penalties for certain offenses involving dangerous drugs (paregoric codeine cough syrups, and others); (7) permits the common pleas court to grant immunity to witnesses whose testimony is necessary to a drug investigation or prosecution; requires the court, in determining whether to place a drug offender on probation, to consider whether or not the offender has cooperated with law enforcement authorities investigating drug traffic; (8) revises, without substantive change, the narcotics possession statute; and (9) prohibits driving while under the influence of a drug of abuse.

Training Procedure No. 35

LAW ENFORCEMENT OFFICER TRAINING

PURPOSE

The stated purposes of the bill are to prevent, through education, drug abuse by young people, to revise and expand existing drug laws to meet changing patterns of drug abuse, and to provide for the treatment and rehabilitation of drug dependent persons.

CONTENT AND OPERATION

1. School instruction on drug abuse, alcohol, and tobacco.

The bill requires the public school curriculum to include, as part of graded courses in health and physical education, instruction in the harmful effects and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco.

Existing law requires instruction in the harmful effects of narcotics and their illegal use, and in the effects of the use of alcoholic beverages. Department of Education representatives stated that, as a practical matter, such instruction embraces not only narcotics, but all drugs of abuse, and tobacco.

2. Drugs of abuse and drug dependent persons.

"Drug of abuse" is defined to include narcotics, barbiturates, amphetamines, hallucinogens, and dangerous drugs, all now defined in the law, and also to include harmful intoxicants, as these are defined in a new section contained in the bill prohibiting glue-sniffing.

"Drug dependent person" is defined as one who, by reason of the use of any drug of abuse, has become physically or psychologically dependent, or both, on the use of such drug, to the detriment of his health and welfare.

"Person in danger of becoming a drug dependent person" is defined as a person who, by reason of habitual or incontinent use of any drug of abuse, is in imminent danger of becoming a drug dependent person.

The Revised Code does not presently define "drug of abuse," "drug dependent person," or "addict." The term "drug of abuse" is used in a number of instances in existing law, but it is a term of art with a somewhat flexible meaning: By defining the term with reference to specific drug definitions, the bill abates any ambiguity which the term might otherwise create. Also, "addict" is used in a number of places in the law, but as a practical matter the term embraces only those who have become dependent on narcotics and some barbiturates. The definitions of "drug dependent person" and persons in danger of drug dependence contained in the bill are broad enough to include not only addicts, but also those who have become entangled with any drug having a dependence creating liability.

3. Treatment and rehabilitation of drug dependent persons.

a. Treatment as a condition of probation. The bill provides a precedure whereby drug dependent persons or persons in danger of drug dependence, who are convicted of a probationable offense, may be placed on probation on condition that they undergo treatment.

(1) Medical examination. If the court has reason to believe that an offender is a drug dependent person, or in danger of becoming such, it may order a medical and psychiatric examination to determine if he is a drug dependent person or in danger of becoming a drug dependent person, and if he may be rehabilitated through treatment. The examination must be conducted by a physician

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appointed by the court, and may be carried out at any hospital or other appropriate facility.

(2) Report of examination. Within 30 days of the date the examination is ordered, the examining physician must submit a written report of his findings and opinion on whether the offender is drug dependent or in danger of it and may be rehabilitated. A copy of the report must be transmitted by the court to the offender or his attorney.

(3) Hearing. Following examination the court must hold a hearing to determine if the offender is drug dependent or in danger of drug dependence and may be rehabilitated, at which he must be afforded full opportunity to convert the findings of the report.

(4) Probation for treatment. If the court finds that the offender is drug dependent or in danger of it and may be rehabilitated through treatment, it may place him on probation in the custody of the Department of Mental Hygiene and Correction, on condition that he submit to and faithfully follow the treatment prescribed for his condition, and on such other conditions as the court may impose to insure his good behavior.

(5) Period of probation. Probation for treatment must be not less than one year in the case of persons in danger of drug dependence, and not less than three years in the case of drug dependent persons. The period of probation may be extended, but the total period of probation, for treatment or otherwise, may not exceed five years.

(6) Treatment. Offenders committed under the measure may be treated by hospitalization under close supervision or otherwise, treatment in a clinic established by a Community Mental Health and Mental Retardation Board (sometimes called "648" boards), release on an out-patient status under supervision and such other treatment or aftercare as the Department considers necessary or desirable for the patient's rehabilitation. Persons released from hospitalization may be re-hospitalized at any time it becomes necessary for their treatment and rehabilitation.

(7) Disposition of the case. If at any time after treatment has continued for six months the Department reports that the probationer is rehabilitated and further treatment is unnecessary, or if at the end of the period of probation for treatment the Department reports that he has faithfully followed the treatment, the court may discharge him, or place him on an additional period of probation under conditions designed to insure his good behavior.

(8) Probation violation. If at any time during probation for treatment, the probationer fails to follow the prescribed treatment, such failure is considered a probation violation, to be dealt with as in other cases of probation violation.

b. Treatment of other drug dependent persons. The bill redefines "mentally ill individual" for purposes of existing provisions on treatment and hospitalization of the mentally ill, so as to replace drug addiction with the concept of drug dependency as a type of mental illness. Under the redefinition, a person whose drug dependency or danger of drug dependency substantially lessens his capacity for self-control, judgment, and discretion in his affairs and social relations to an extent requiring that he be under treatment, care, supervision, guidance, or control, would be classed as a mentally ill individual.

The effect of the redefinition is to provide that persons who are mentally ill by reason of drug dependence or danger of drug dependence may take advantage of the existing laws providing for the treatment and hospitalization of the mentally ill.

The bill provides that a minor 16 years or older may apply on his own behalf for admission to a mental hospital, when he is or believes he is mentally ill by reason of his use of drugs of abuse. The existing provision for voluntary admission to a mental hospital permits minors 18 and over to apply on their own behalf.

c. Methadone treatment for incurable narcotics addicts. The bill states that nothing in the laws relating to drug abuse makes it illegal to treat a narcotics addict by maintenance of his habit through the administration of methadone or other drug of abuse, when: (1) he appears incurable, and his prognosis while undergoing treatment is at least a partial improvement in his behavior patterns; (2) the drug is dispensed to in-patients in single doses, and to out-patients in amounts necessary to maintain daily dosage; (3) the drug is not dispensed to replace or supplement any previously dispensed, or where the patient may unlawfully use or dispose of it; and (4) the treatment is administered through a hospital or clinic maintained by the Department of Mental Hygiene and Correction or by a Community Mental Health and Mental Retardation Board, or through a private hospital or clinic maintaining a special treatment program for drug dependent persons.

Methadone is a synthetic narcotic, and its use in treating narcotic addiction is comparatively new. It is itself an addictive drug, but it counteracts the effects of heroin, and thereby reduces the craving of an addict for heroin. It is also inexpensive, and may be administered orally. Hospitals administering the treatment report that heroin addicts on methadone can function fairly normally, and are not obliged to steal from $100 to $200 per day to maintain their heroin habit.

It is reported that at least three methadone treatment programs are now maintained in Ohio, at Fallsview State Hospital (Cuyahoga Falls), Cleveland Metropolitan General Hospital, and Western Reserve Medical School.

It is not clear that the methadone treatment is legal under either the Ohio or federal law, insofar as it involves maintaining an addict's habit, rather than merely using a narcotic to temporarily relieve a distressing symptom. The treatment is being used, however, not only in Ohio but in other states including California and New York, as well. Although the federal authorities have not expressly legalized it, they apparently permit its use so long as it appears to be administered under reasonable controls. The bill would expressly legalize it under Ohio law.

d. Treatment and rehabilitation facilities. Under the bill, the Director of Mental Hygiene and Correction, with the assistance of the Commissioner of Mental Hygiene, is required to establish special facilities for the study, care, treatment, and rehabilitation of drug dependent persons. Such facilities may be established separately, or in one or more public hospitals, or in any clinic operated under a Community Mental Health and Mental Retardation Board ("648" board) or by contract with any private hospital or clinic.

The Commissioner of Mental Hygiene may establish quotas and other reasonable restrictions on the admission of voluntary patients to any such facility, in accordance with the respective capacities of such facilities determined by the Director of Mental Hygiene and Correction.

4. Redefinition of marijuana as an hallucinogen.

"Cannabis" (which includes marijuana, hashish, and similar substances) is removed from the definition of narcotics, and redefined as an hallucinogen. The definition of cannabis is also expanded to include tetrahydrocannabinol, the recently isolated active ingredient in cannabis. The effect of the redefinition is to apply to marijuana the various penalties provided for offenses relating to hallucinogens.

Existing law, not changed by the bill, provides that unlawful possession or use of hallucinogens is punishable by a fine of not more than $1,000 or imprisonment for not more than one year, or both, for a first offense. Subsequent offenders are liable for imprisonment for not less than one nor more than ten years. Possession of narcotics (which under existing law includes marijuana) is presently punishable by a fine of up to $10,000 and imprisonment for from two to 15 years for a first offense, with harsher penalties for subsequent offenses.

The bill provides a partial amnesty for persons previously convicted of a first offense of possession of marijuana under the narcotics possession law, by requiring that those sentenced after the effective date of the act must be sentenced under the misdemeanor penalty applicable to first offense possession of hallucinogens. Those convicted and sentenced prior to the effective date of the act for first offense possession of marijuana may apply to the trial court to vacate the original sentence and impose the lesser penalty. If it appears that the conduct of which the applicant was convicted was mere possession of marijuana without intent to sell or distribute it, the court must vacate the original felony sentence and impose the misdemeanor penalty applicable to first offense possession of hallucinogens. Time served on the original sentence must be credited on the new sentence.

5. Prohibition against glue-sniffing.

The purchase, possession, use, control, and administration to another of "harmful intoxicants," with intent to induce intoxication or similar effects, is prohibited by the bill. "Harmful intoxicants" excludes alcoholic beverages, but includes volatile organic solvents, aerosol propellants, fluorocarbon refrigerants, and anesthetic gases, and any other preparation which when inhaled induces specific, harmful, physiological effects.

The penalty provided is a fine of not more than $1,000 or imprisonment for not more than one year, or both, for a first offense. Subsequent offenses are punishable by imprisonment for from one to ten years.

6. Increase in dangerous drug penalties.

The bill provides a penalty for unlawful sale, distribution, or purchase of dangerous drugs by authorized wholesalers, retailers, and terminal distributors, of a fine of not more than $1,000 or imprisonment for not more than one year, or both. The existing penalty is a fine of from $50 to $100 for a first offense, and a fine of from $100 to $300 for subsequent offenses.

The bill also provides a penalty for possession for sale, sale, and distribution of dangerous drugs by unauthorized persons, and for various frauds in obtaining dangerous drugs or authorization to handle dangerous drugs, of a fine of not more than $1,000 or imprisonment for not more than one year, or both, for a first offense, and a fine of not more than $1,000 and imprisonment for from one to ten years for each subsequent offense. The existing penalty is a fine of from $100 to $300 for a first offense, and a fine of from $300 to $500 for subsequent offenses.

Under section 4729.50 of the Revised Code, "dangerous drugs" include those drugs: (1) which, under federal law, may be dispensed only on prescription; (2) containing a narcotic, but which are exempt from the laws relating to narcotics; or (3) administered by hypodermic injection. Dangerous drugs are a separate category from narcotics, barbiturates, amphetamines, and hallucinogens, all of which are separately defined in the Revised Code.

7. Cooperation with law enforcement authorities; immunity; probation.

The bill states that when the testimony, information, or other evidence in possession of a person who is involved with drugs of abuse is necessary to an investigation in illicit drug sources or to a prosecution for a drug offense, a common pleas court judge may grant the witness immunity from prosecution for any offense based on his testimony, other than a prosecution for perjury.

The bill also provides that the court, in determining whether to place a drug offender on probation, shall, or when the offender is being considered for probation for treatment of drug dependence, may, consider whether or not the offender has cooperated with law enforcement authorities by truthfully revealing all information within his knowledge concerning drug traffic, and by testifying as to such information in any criminal proceeding against another. In the absence of a waiver of the right against self-incrimination, such information may not be used against the offender, except in a prosecution for perjury.

8. Redraft of narcotics possession law.

The bill extensively revises section 3719.09 of the Revised Code, which prohibits possession of narcotic drugs, without making any substantive change.

9. Prohibition against driving under the influence of drugs.

The bill revises the drunk-driving statute to prohibit driving while under the influence of any drug of abuse.

Existing law prohibits driving while under the influence of alcohol, narcotics, or opiates. This excludes, for example, barbiturates (sleeping pills), amphetamines (pep pills or "speed"), hallucinogens (LSD and others), and certain dangerous drugs. These would be included within the purview of the prohibition under the bill.

FISCAL EFFECTS

The Department of Mental Hygiene and Correction tentatively reports that to initiate operations under the provisions of the bill dealing with treatment of drug dependent persons, $1,000,000 will be required for the remainder of the current biennium. It is envisioned that this amount will serve to inaugurate treatment programs in Cincinnati, Cleveland, and Columbus, where the need is

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stated to be greatest. Such programs will make as much use as possible of existing facilities.

The Department is now preparing figures on the per capita cost of establishing and maintaining drug abuse education, prevention, and treatment programs on the community level throughout the state.

(Effective September 16, 1970)

Training Procedure No. 36

HUMAN RELATIONS

LAWLESSNESS AND INDIVIDUAL FREEDOM

TIME ALLOTTED: 8 Hours

The police are frequently criticized in their official conduct in matters involving inter-group relations. A significant proportion of our police officials are reacting to this criticism in a constructive manner -- that is by seeking to understand the causative factors that give rise to the criticism and to obviate the problem with a higher degree of professionalism.

Where good human relations techniques are used by a police force, it is highly improbable that any of their activities or arrest practices will be violations of the Constitution. That there is a strong correlation between denial of equal protection of the laws and good intergroup relations is obvious.

Effective law practices and constitutional guarantees of individual freedom are not irreconcilable; the conflicts that develop -- whether involving excessive force, unequal treatment of minorities, arrest without warrants, or the fifth amendment -- are largely due to inadequate appreciation by law enforcement officers of the democratic principles underlying our constitutional safeguards. On the one hand we have police officers seeking to enforce laws and to prevent crime, and on the other hand, philosophical, intangible -- and often ambiguous -- constitutional statements of safeguards to individual freedoms. There is little reason to wonder why police officers faced with burgeoning crime threatening the very bulwarks of our society -- life, property and family -- would view their domain -- law enforcement -- as all important. The police officers job is so staggering, that there is little time for him to develop an appreciation for, or to give thought to, democratic principles that have evolved over a period of two thousand years culminating in the Magna Carta and our own Federal Constitution. For the lawyer and other "egg head" critics of alleged police abuses, a justifiable criticism can be and is made by law enforcement officials that the former are so steeped in constitutional lore surrounding individual freedom, that they fail to recognize the exigencies created by rampant, sometimes syndicated and international crime, espionage, and by the requirements of internal security.

The wisest solution is the development in police personnel for an appreciation for -- or at least a thorough understanding of -- the historical, political and legal meanings of our basic guarantees of individual freedom. In America we tend to take our democracy for granted -- even in a world fraught with Marxian ideology that already dominates a third of the world's peoples. Arguments are advanced by many that this is the historical moment to restrict the privilege against self-incrimination, to subordinate the judiciary to the legislature, to allow arrests without warrants, to take away the right to bear arms, and to restrict the right of confrontation between accused and witnesses. Even if we conceded that expediency dictates that such steps be taken in certain cases, the important question is whether the means justifies the end -- and by "end" I mean the full potential of the end: the gradual erosion of more and more individual freedoms.

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Thomas Jefferson in 1816, 40 years after he had written the Declaration of Independence had this to say:

> "A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, to have no sensibilities left but for sinning and suffering." The Complete Jefferson (1943) p. 291.

This is still true. Principles of freedom must not be diluted for expediency. They should only be changed after long years of experience and contemplation. Principles of freedom can be taken away far more quickly than they can be acquired -- they can be changed by surrender, but they are acquired only at the price of suffering, and often injustice to human lives.

Applied to every day police problems, this means that a police officer should not subvert the guarantees of freedom enjoyed by our citizens; They should accept the principles of justice that underlie the limitations placed upon their authority, and rely upon the orderly processes of democratic government to effect changes. Where police officials request additional powers such as legalized wire-tapping, the right to arrest on suspicion, to detain for interrogation, and these powers are not bestowed upon them, they should respect this as the will of the majority of the citizens. It is for the body politic to decide how much individual freedom shall be surrendered in order to maintain law and order. On the whole we have struck an effective balance in a difficult area. Misuse of delegated power by police officers does more harm than good.

In 1957 in the case of Mallory v. United States, 354, U.S. 449, the United States Supreme Court emphasized its belief that principles of freedom should not be subordinated to expediency. The facts were as follows: One afternoon a masked man raped a woman in the laundry room of her apartment building in the District of Columbia. The police suspected a tenant, Mallory, or one of his relatives. At 2:30 p.m. the following afternoon Mallory was arrested and taken to police headquarters. He was questioned for thirty minutes only and later at 8:00 p.m. he was given a lie detector test with his consent. Within an hour or so he confessed. At this point the police began looking for a committing magistrate. The Supreme Court held that the confession was inadmissible as evidence and reversed the conviction. It reasoned that Federal Rules of Criminal Procedure required a prisoner to be taken without unnecessary delay before the nearest available commissioner, and that the confession was the product of intentional delay solely for the purpose of interrogation. Thus, the United States Supreme Court did not yield to expediency. A change should properly come from the legislature.

Of course the states are not bound by this federal rule. They need only assure the defendant the minimum constitutional requirements by arraigning within a "reasonable" period of time. But there is strong indication that some police are even abusing this more generous provision. A study in Chicago recently published by the American Civil Liberties Union reveals that in 1956, 20,000 defendants were arrested and held incommunicado for at least 17 hours. Secret Detention by Chicago Police (ACLU, 1959).

History and plain common sense seem to say that it is highly improbable that our one generation has produced the conditions and the minds required to further limit our fundamental freedoms, and to disclaim the full heritage of human dignity received from all the generations and all the thinkers, patriots and fighters of the past who secured our fundamental rights. A fortiori police officers and the rest of us mere mortals are not qualified to make an independen determination. Most of the guarantees of individual rights in our Constitution have been acquired only after the bloodshed of revolution, war and civil uprising. There is not a single guaranty of individual freedom in our Constitution that was not nurtured for generations -- sometimes for centuries -- and espoused by a series of men who were the greatest thinkers and leaders of Western civilization. Many of their names are commonplace: Plato, Aristotle, Locke, Rousseau, Hobbs. Jefferson, Hamilton and Marshall.

We cannot lightly dilute or discard guarantees of freedom which were sired by oppression, conceived in the minds of great thinkers, quickened by centuries of human hope and delivered into being at the cost of human lives.

Time will permit comment upon only one of our constitutional guarantees to illustrate -- superficially to be sure -- a democratic principle in conflict with some police practices. The equal protection clause of the Fourteenth Amendment which says: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." This is the section of the Constitution with which the Commission on Civil Rights is most intimately involved.

As a matter of political necessity, the Constitution of the United States accepted the principle of human slavery in 1787 and omitted the Bill of Rights, even though this was apparently inconsistent with the lofty ideals of the Declaration of Independence and the Preamble to the Constitution. But the democratic opposition to human slavery and the exponents of unfettered freedom for all, planted seeds that resulted in the adoption of the Bill of Rights in 1791 and the ultimate abolition of slavery. However, the Fourteenth Amendment with its equal protection clause required ninety years to evolve and the Civil War. The deferment of emancipation from 1789 to 1863, resulted in the Bill of Rights being interpreted for three quarters of a century for the benefit of all citizens except slaves. With emancipation it became necessary to assure unto the freed slaves the fundamental human rights commonly enjoyed by all other Americans. Hence the 13th, 14th and 15th Amendments were adopted in 1865, 1868, and 1870, respectively. In assuring the rights of freed slaves, these amendments used broad language which was equally applicable to all citizens and it has been so applied by our courts to augment and expand the more restricted rights of the original constitution. These amendments, combined with the original bill of rights, represent one of greatest -- if not the greatest -- comprehensive guarantees of individual freedom the world has ever known. Their key phrases collectively represent the best ideas, goals and accomplishments of democratic thought and protest distilled from western civilization -- including Judaic-Christian ethic.

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Equal protection of all persons under the laws is an inevitable application of the maxim: "All men are created equal." It is also a legal implementation of the precept: "Do unto others as you will have them do unto you." It is at once, protection for and proclamation of the inherent dignity of every man. We profess abiding faith in equal protection under the laws without question, but many of us, including some police officers, offend its basic concepts in our day to day practices.

The equal protection clause means a number of plain, everyday things and it should influence official conduct daily in dealing with minorities.

First, it means that police, as agents of the state government are bound by constitutional limitations set against arbitrary power over the individual.

Second, it means in conjunction with Due Process that law enforcement officers cannot use force against any person unless it is justified -- and even then it must be reasonable. Back talk, disrespect, insults, and argument may harass the police officer, but it is not justification for the use of force. A police officer must be thick skinned# and capable of receiving extreme verbal abuse without using force. Certainly this calls for the attributes of an intelligent professional who appreciates the relationship between back talk, argument and protest, to human freedom. The right to make an arrest is itself a privilege -- albeit a necessary one -- which is cautiously entrusted to police officers with rules and limitations as to its use lest they encroach unduly upon an individual's freedom. Our courts and legislature have withheld from police the right to compel silence, cooperation, and respect from a prisoner by the use of physical force. Yet men have been intimidated, beaten, unjustifiably arrested, and in some instances killed for being disrespectful to police officers. One can only say that such officers lacked the discipline and restraint that comes from an appreciation of the individual freedom involved.

Everyone accepts the fact that police must use the force necessary to make an arrest and to prevent escape. But clearly this is physical restraint and not physical abuse. This is the minimum force necessary and no more force may lawfully be used for the purposes of arrest and custody. It is interesting that whenever police officers use additional force, -- even in self-defense from criminals, they are held to the same tests of justification or reasonableness as a private citizen who defends himself.

Once a person is in the custody of a police officer -- not matter how heinous the crime with which he is charged or the force required to place him in custody -- force can no longer be used against him. On the contrary, the police officer, as the agent of the state, has a solemn duty to protect the prisoner from physical violence from any source -- whether private persons or the police themselves. This is a constitutional duty for the police and a constitutional right for the person in custody.

# Brandeis - Rhinocerous
Truman - If you can't stand the heat get out of the kitchen.

Training Procedure No. 36

LAW ENFORCEMENT OFFICER TRAINING

The Charles Mack Parker lynching in Mississippi is an illustration where the evidence indicates that not only did the deputy sheriff fail to protect his prisoner, but acquiesced to the kidnapping by private persons.

It has been alleged that in the south a group of three men, two of whom were deputy sheriffs forced their way into a private home and brutally beat a Negro mother and daughter with an iron pipe when they used their bodies to protect the son's body from the intended blows.

The complaint is made that in numerous instances police officials have left the scenes of sit-down demonstrations after white hecklers or mobs appeared so that the ensuing violence would not be in their presence.

In the race riot at the public park in Biloxi, Mississippi, it is alleged by respected citizens that police officials were on the scene but left when they saw an unruly mob of whites approaching with weapons. The resulting violence is known nationally and the Department of Justice has sought a federal injunction to secure the right of Negroes to use this public facility partially financed with public funds.

In Chicago 16 police officers have been sued by 13 Puerto Ricans for false arrest and brutality.

In Oakland, California, a defendant who was brutally beaten by a police officer and then arrested for drunkenness, was found not guilty of the alleged phony charge.

In Philadelphia a pioneering citizens' Police Review Board has found against police officers in eight out of the first twenty complaints filed by citizens, mostly Negroes, before them involving brutality and other abuses of authority.

These problems are not confined to any single section of the country or to a particular race. Attention has been called to a situation in a small Missi sippi town seething with the tensions of racial prejudice where a white man who was an elected subordinate official was viciously assaulted by a handful of men on the courtroom steps in the presence of a police official. In recent years in a majority of the complaints filed under the Civil Rights Statutes with the Department of Justice alleging unlawful conduct on the part of law enforcement officers, victims are white. Similarly it appears that a substantial number of civil suits for damages filed against police officers under the Civil Rights statutes are filed by white complainants.

Third, equal protection means that police officers must be color blind in their dealings with all persons. Our constitution does not permit laws to be applied on a discriminatory basis. All persons must be given equal rights under the laws and where the laws restrict their rights, for example, by subjecting them to arrest for reasonable cause, it must similarly restrict the rights of all persons without respect to race, religion, national origin, or ancestry. Law enforcement personnel must be professionally trained to disregard race when not legitimately required for identification. Certainly this is not easy; for many officers have prejudices similar to those of the dominant group in the community. Yet we demand that he be superhuman in self-restraint and tolerance. He cannot indulge in the human frailty of giving vent to his prejudices. A police officer must repeat in his mind, "all persons are equal and I must treat them equally," until it is a part of his very being. If they cannot accept the fact that all men are equal, then it is the responsibility of their superiors to order them to treat all men equally and to enforce the order. If we cannot imbue their minds with fundamental democratic principles, we at least must control their overt conduct. In the military service, a commander's efficiency rating is materially affected by his ability to curb AWOL's, maintain morale, command obedience to orders, and otherwise control the conduct of his men. Is not a police commander -- whether sergeant or inspector -- similarly responsible to the public for his men?

It is unfortunate that, in so many of these and other instances involving the improper use of force by public officials and their failure to protect all persons on an equal basis, the victim happens to be a member of a racial minority.

The Supreme Court has pointed out that the equal protection clause was designed to insure that the states afford all persons something more than the minimum legal requirements of due process. It is a guarantee of equality of treatment of all persons, even though they all enjoyed the protection of due process. Truax V. Corrigan, 257, U.S. 311, 312 (1921). More recently the Supreme Court has said:

> ".. all people charged with crime must so far as the law is concerned stand on equality before the bar of justice in every American court."
> Griffin v. Illinois, 351 U.S. 12, 17 (1956)

Our equal protection clause requires a police officer to treat a member of a minority the same way as he would treat any other citizen.

To illustrate how lack of "color blindness" on the part of a police official creates bad intergroup relations. The following is a case in point.

In the case of Valle v. Stengel, 176 F. 2nd 697, (3rd Cir., 1949), the Circuit Court of Appeals found that a police chief in New Jersey had denied a group of Negroes equal protection of the laws. In this case the Negroes had paid admissions to an amusement park. The police had been called when the Negroes insisted upon using the bathing facilities. It was alleged in a civil suit for damages against the involved chief of police that he was guilty of assault and battery and unlawful detention. The court held that the Negroes were entitled to sue for personal damages.

It is submitted that if this official had been color blind, he would not have seen any wrongful conduct. By focusing on race, he gave it a significance and an importance that was unconstitutional, and thus infringed on the individual freedom of the Negro involved.

LAW ENFORCEMENT OFFICER TRAINING

Four, Equal protection in conjunction with due process means that police officers must make an arrest only pursuant to the authority vested in them and shall dutifully respect the restrictions and limitations imposed upon this power. This means that law enforcement officials should scrupulously avoid making arrests for misdemeanors where the crime is not committed in their presence or for felonies where there is not probable cause. The right of a person to be free from arbitrary arrest was asserted in our Constitution because this freedom had been abused and ignored by authorities since the beginnings of organized government. Century upon century of history demonstrated to our founding fathers that authorities could not be entrusted with the unfettered right to arrest without warrants. Some law enforcement officials say that this is an inconvenience, that they would never abuse the privilege of making arrests without warrants if they were granted the privilege. Others say that restrictions on arrests can be ignored because if you only make proper arrests, the courts and prosecutors will not criticize you or if they criticize you, they will not punish or prosecute you - so why be handicapped by such stupid, cumbersome rules. In some communities it is the exception rather than the rule for a warrant to be obtained preliminary to the arrest of members of a minority. Indeed, in such situations the demand to see a warrant is frequently tantamount to a request for physical or verbal abuse from the arresting officer.

The most commonplace type of unlawful arrest is the so-called dragnet. All of you have doubtlessly seen it in operation. A few years ago a typical dragnet operation in Chicago for "a man walking a dog", who had allegedly molested a young girl, netted an infuriated judge walking a dog. It took him two hours to identify himself. In another case in a southern state 75 Negroes were brought in for identification by a rape victim: they were all innocent. In the District of Columbia a few years ago 100 suspects were arrested in a dragnet put out for three juveniles who had committed a robbery.

Two lawyers have commented in a law review article as follows:

> "First of all, it must be borne in mind that any arrest based on mere suspicion is illegal... The roundup or dragnet arrest, the arrest on suspicion for questioning, for investigation or on an open charge all are prohibited by law. It is undeniable that if those arrests were sanctioned by law, the police would be in a position to investigate a crime and to detect the real culprit much more easily, much more efficiently, much more economically, and with much more dispatch. It is equally true, however, that society cannot confer such power on the police without ripping away much of the fabric of a way of life which seeks to give the maximum of liberty to the individual citizen. The finger of suspicion is a long one. In an individual case it may point to all of a certain race, age group or locale. Commonly it extends to any who have committed similar crimes in the past. Arrest on mere suspicion collides violently with the basic human rights of liberty. It can be tolerated only in a society which is

> willing to concede to its government powers which history and experience teach are the inevitable accountrements of tyranny." The McNabb-Mallory Rule, 47 Georgetown L. J. 1, 22 1958).

Many police officers would undoubtedly answer by saying that if they conducted their activities in strict accordance with equal protection requirements as we would have them do, they would be less efficient and more crimes would escape detection. But is this true? Our constitution places a number of restraints upon federal police authorities which are embodied in the Bill of Rights and which are not applicable to the police personnel of the several states. In addition, Congress has enacted additional restraints, such as prompt arraignment, and the outlawing of wire tap evidence except under strict supervision. Moreover, our federal courts are rigorous in restraining abuses by federal law enforcement officials. Many of these restraints have no counterpart in some states. However, it is significant that despite the strict constitutional and statutory limitations imposed upon federal law enforcement officers, it is generally recognized that they are more efficient in solving crimes and in obtaining convictions than state or local law enforcement officers. It is also true that our federal officers enjoy the respect, cooperation and admiration of most citizens. They have created a public image of fair play, integrity and professionalism. This experience on the federal level certainly gives one pause to consider whether it is true that state and local police officers cannot function effectively within the constitutional limitations.

Under our form of jurisprudence crimes are prosecuted under an accusatory system. This means that the accused person is presumed innocent until convicted even though you might have a motion picture of the criminal act or a confession. The prosecution with the aid of the police must prove guilt beyond a reasonable doubt to the satisfaction of the jury. The system is good even though guilty men may occasionally escape punishment. Perhaps this was true in the Mallory case. But whether one likes the system or not, it was carefully adopted to eliminate past abuses. When a police officer obtains a coerced confession, or makes unwarranted and illegal arrests, he undermines and weakens the accusatory system.

Every citizen is responsible for law and order, and his respect for the system makes it operate. He must feel personally secure under the system and want it to succeed. If he believes that he can be arrested arbitrarily and abused because he is poor, or because he is a member of a minority group, he will not be a law abiding citizen because of his faith in the accusational system but because of fear of the police. And fear alone is not sufficient to make our system work. Indeed, fear breeds civil unrest and revolution. Good intergroup relations builds respect instead of fear and makes the police officer's job easier. But good intergroup relations alone are not enough. There must be an understanding of the fundamental principles of democracy, and sincere appreciation for the inherent dignity of all men which require -- even demand that the police officers have good relations with groups in a community.

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LAW ENFORCEMENT OFFICER TRAINING

A professionally trained police officer who understands and appreciates the origin of his limited powers, will have no difficulty in living within the scope of legally accepted police practices. In the first place our government is founded on the principle that ours is a government of laws - that the people - all of us - are governed with the consent of the governed. We are governed under powers that we have entrusted to the government through our elected representatives. In order to protect ourselves fully, we have guaranteed to ourselves and our children's children certain fundamental rights set forth in the Bill of Rights and other amendments to the Constitution. We cherish these rights so dearly that we have provided that they cannot be taken away from us unless two-thirds of both houses of Congress plus three-fourths of the states so agree. It is the height of presumption for an officer of the law to believe that under any circumstances he is justified in unilaterally altering or diluting these basic safeguards to freedom from arrest. Nor is it logical to assume that we as citizens have entrusted to the government and, in turn, to its agents the power, right or privilege to arrest us in any manner other than we have so stated in our organic law. The police officer must respect individual freedom despite temptations to do otherwise; he must exercise the precise authority delegated by our citizens to him and no more. He may recommend and agitate for an expansion of his powers; as a citizen he may even vote for representatives who advocate expansion of his powers; but he cannot exercise those powers until they are created and delegated to him under our democratic processes. Indeed, we will not even permit a police officer to actively campaign for legislators who support their position, for it is foreign to our concept of government that a civil servant - who is the servant of all citizens - should use his position as our servant or employee to unduly influence the election of our representatives.

Thus, the question in its barest terms, is whether a police official should be restricted to delegated powers or whether he should have discretion to go beyond those powers when he deems it necessary. All of us, including legislatures, courts, and prosecutors, have exercised tolerance, restraint, and circumspection to avoid placing shackles on police powers. We recognize the theoretical, extraordinary possibility of a situation where the police officer may act beyond the scope of his authority for the good of the entire community. It is unwise to so intimidate him that he is afraid or cannot meet an emergency. But if the choice has to be made between continued abuse of authority, brutality, unlawful arrest, unlawful detention, unequal treatment of minorities, and perjury to support such improper conduct, on one hand, and respect for constitutional guarantees of individual freedom on the other hand, I believe that an informed American citizenry will vigorously assert in no uncertain terms their preference for our constitutional freedom. The urgency surrounding high crime rates will not justify the misuse of power once it is made known to our citizens. Widespread misuse of police power can exist only where it is hidden from view. Once the public is shown that law enforcement officers respect the individual freedom of all citizens, the local police will once again fully enjoy the high esteem they held: namely, that of a friend to every man, woman, child, drunk and sometimes even the criminal on his beat.

COURTESY

If I were to ask you what would get you more as an individual than anything else in the world, you would probably say money. I would not challenge you but would indicate that there are those who would put higher priority on other values.

If I were to change the question slightly and ask what attribute would do more for you as a police officer, you might well answer -- Courtesy.

If courtesy is this important, and I think it is, we might profitably spend some time thinking about it.

A. Courtesy is the essence and key to good public relations.

   1. Courtesy is not just for the mayor or the chief -- Every law enforcement officer should have a sound basic knowledge of the value of courtesy.

   2. If you are discourteous, this will transfer to the entire department.

   3. Low salaries have made it difficult to attract above the average abilities.

   4. Police no longer concentrate on a few thieves or burglars, they are now called upon to impose laws and regulations on many people.

B. Some Pitfalls

   1. An overbearing attitude.

   2. Attempt to deflate ego of citizen in public.

   3. An unpleasant tone of voice. It's not what you say but how you say it.

   4. Unnecessary rough treatment of prisoners, drunks, women and juveniles.

   5. Poor driving habits. Must obey rules of the road.

   6. Giving undue attention to women in public places.

   7. Drinking or apparently drinking while on duty.

   8. Failure to recognize rights of others.

   9. Unkempt or careless dress.

C. General Rules

   1. An officer is courteous because the officer is a gentleman, not because the other person is.

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2. When a lady enters a room, a gentleman will rise and acknowledge her.

3. A gentleman should precede women downstairs and follow them upstairs and assume the same relative positions in other hazardous places where such positions will provide them with safety.

4. An officer and a gentleman will rise while he is being introduced to any person. When introduced to a woman, the officer should permit the woman to initiate any handshaking. A hand clasp should be firm. A weak clasp reflects weakness or contempt.

5. A mounted officer should dismount when addressed by a woman or when receiving extended instructions from a superior.

6. When approaching a car containing women passengers or when recognizing women acquaintances in passing, an officer should either remove his headgear or raise the cap bill slightly. Also, remove eye shades.

7. An officer should remove headgear when entering court, a place of divine worship, a residence, elevators carrying women or any place indoors when it is desired to remain informal as when visiting schools, or attending meetings or receptions.

8. "Official contacts" should be opened with a "please" and closed with a "thank you".

9. When a question is addressed to two or more officers in a group, the senior or superior officer should be permitted to answer unless the superior indicates that another should answer.

10. An officer should not monopolize any conversation but rather should permit others to speak freely.

11. If anyone helps you in any manner, such as informant furnishing information, you should make a special effort to talk with him and thank him or in some cases write a letter.

12. It is a sign of respect and courtesy to defer to elderly people and to treat them with extra consideration when you have contact with them.

13. Address members of the clergy by proper title of "Father", "Reverend", "Pastor", "Brother", etc.

14. In dealing with the public, you should be firm and courteous without being either humble or servile (Befitting a slave or servant.) If you ever feel that you have to apologize for the fact of being an officer, then you are in the wrong profession, and there is no place in the profession for you.

COURTESY

15. Never treat a question as stupid or silly, although it may well be. The question is apparently well meaning to the asker. Answer it courteously or try to get the answer if you don't know it.

16. Always stop, smile and speak to youngsters.

17. Drive and park by the rules of the road.

18. When serving as escort for ranking officials or other dignitaries, the officer's dress should be immaculate and his bearing military at all times. If such escorting officer is introduced to the official, he should dismount, remove his right glove if worn, assume position of attention and indicate his pleasure at the assignment.

19. Upon official military or semi-military occasions, vehicles are mounted in inverse order or rank, with right rear seat being reserved for the senior officer; dismounting is in order of rank.

D. The Salute.

1. When the flag is passing or the national anthem is being played, mounted officers in uniform will dismount, come to attention, and salute, facing the flag or music.

2. Officers in uniform and armed will render the right hand military salute.

3. Officers in civilian dress will take the headdress in the right hand and hold it over the left breast.

4. While rendering either salute, the person must be standing at attention with left hand down and alongside seam of trousers and heels together.

5. Men in civilian dress without headgear should stand at attention with both hands along seams of trousers, heels together.

6. Women pay their respect to the flag by placing the right hand over the heart.

7. During inclement weather, the headgear may be held directly above the head.

8. When the flag approaches in a parade, all persons within sight should face the flag until it passes in review. The proper salute should be rendered when the flag is 30 feet away and held until the flag has passed.

9. When the national anthem is played where the flag is present, the proper salute will be rendered to the flag and held until the anthem is finished.

LAW ENFORCEMENT OFFICER TRAINING

10. When retreat is sounded on a military reservation, any officer attending officially or otherwise, should render the proper salute.

E. Funerals.

1. Stand at attention uncovered, and hold headdress over left breast while casket is being moved, including while it is being lowered in the grave.

2. Uniformed officers serving as active pallbearers remain covered while carrying casket.

3. Officer assigned to traffic control, if conditions permit, stands at attention and salutes with cap over left breast while hearse and family are passing.

4. If escort terminates at entrance to cemetery, the escorting officers stand with caps over left breast at attention facing each other from each side of entrance until procession has entered.

5. If law enforcement car meets a funeral procession and conditions permit, the driver should stop off the roadway and all occupants should remove their headgear until the procession has passed.

F. Telephone Courtesy

1. Answer the telephone promptly.

2. Answer "________ Police Department, Patrolman Jones speaking".

3. Speak naturally and in friendly manner.

4. If you cannot render required service, switch call to someone who can.

5. Do not keep caller waiting long periods of time. Call back if necessary.

6. Return all calls.

7. Have paper and pen ready to record important facts and information.

8. If you make a call, plan in advance and get records and facts ready.

G. Courtesy to Tourists.

1. The impression you give a tourist may be the only contact he has with your city.

   a. You can be a roving ambassador.

COURTESY

b. Smile and show a sincere interest in assisting the traveler.

c. Be friendly. Be brief.

d. In giving instructions -

    1. Indicate turns by right and left, not North and South.

    2. Refer to traffic signal lights as that and not street lights.

    3. Do not give more than three directions - advise them to ask further at that point.

    4. If you feel he did not understand, ask if he would like for you to repeat.

    5. If you feel more time is needed, ask him to pull over to the curb.

2. You should be an information bureau for your city. If you do not know your city and county, learn them.

3. Make visitors feel at ease and welcome.

H. Courtesy to Fellow Officers.

1. Increases faith and confidence in each other.

2. Adds dignity to the profession.

3. Creates high morale.

4. Courtesy is contagious.

I. Courtesy at Special Events Like Parades, Sports Events, etc.

1. Well informed courteous response to queries pays big dividends.

2. Officers attitudes promote friendly spirit.

J. Traffic Courtesy.

1. "May I see (or check) your drivers license, please?" not "Where in the hell are you going?"

2. "Mr. Jones, you were exceeding the speed limit and I must give you a traffic ticket" (or warning ticket) not "Where is the fire?"

3. Use uniform arm and hand signals in directing traffic, not verbal abuse.

4. If your initial approach is not courteous under all conditions, then, you deserve any type of treatment you get.

5. Do not argue. There is no excuse for arguing.

6. Drive courteously.

K. Some Simple Rules to Follow.

1. Become genuinely interested in other people.

    a. Story told of Teddy Roosevelt's return to White House talking with cook and gardener.

2. Smile. It costs nothing and means much.

3. Remember that a man's name to him is the most important sound in any land.

    a. Jim Farley - could remember 50,000 names.

        1. Hear the name. If any doubt, ask how it is spelled.

        2. Use the name several times during the conversation.

        3. Write the name on paper, look at it, get eye impression - throw it away.

4. Be a good listener and encourage others to talk about themselves. You don't learn anything when you are talking.

    a. We learn most by listening.

    b. A man interested only in himself, is hopelessly uneducated no matter how instructed he may be.

    c. Talk in terms of the other man's interest.

    d. Make the other person feel important and be sincere.

    Emerson said "Every man I meet is in some way my superior in that I can learn something of him." If you know someone who condemns law enforcement, make it a point to ask him about his business, his job, his interests. Remember, if you talk to a man about himself, he will listen for hours.

L. There are Ways to Win People to Your Way of Thinking.

1. The only way to win an argument is to avoid it.

COURTESY

   a. A man convinced against his will is of the same opinion still.

   b. The less you say, the less he can say you said when you go to court.

   c. Example - man complains about officer not discussing ticket with him.

2. Show respect for the other man's opinion. Never tell him he is wrong.

   a. Be wiser than other people if you can but don't tell them so.

3. If you are wrong, admit it quickly.

   a. How many have you had to talk their way out of a ticket?

4. Let the other man do most of the talking.

5. Let the other man have the idea.

6. Try honestly to see things from the other man's point of view. Empathy.

LETS QUOTE TWO PARAGRAPHS FROM MR. J. EDGAR HOOVER --

> "Any police officer who lacks courtesy towards his fellow man and towards the citizens who pay his salary might drag the entire department down to his level in the eyes of the citizenry. It is my personal opinion that unless a police officer is endowed with the great asset known as courtesy he is a failure. When we think of the great men of our times, we think of courtesy. It is an outstanding trait of men."

> "The citizens of our respective communities deserve courteous treatment and unless they receive it from officers of the law, they will look upon every man who wears a badge as a bully who glories in his authority. If, however, in our daily lives, we practice courtesy towards all with whom we come in contact, we shall earn all citizens' respect and thereby build a greater profession."

Training Procedure No. 37

LAW ENFORCEMENT AND CIVIL LIABILITY

I. PURPOSE

This text was designed to acquaint officers and administrators of law enforcement agencies with the hazard of personal economic disaster that could result from civil suit. It discusses the bases for liability, identifies the problem areas in which suits generally have arisen, points out the impact of liability, explores ways of protecting the officer, and offers suggestions as to positive steps that might be taken to relieve law enforcement of some of the pressure of potential civil liability.

No attempt was made to tailor the discussion so as to state precisely the current law in each of the States and their subdivisions. Obviously that task would require much more time and space than is available here. Court decisions which illustrate certain points; samplings of pertinent state legislation; and significant programs of protection against liability are cited to provide an overall view.

The growing importance of this subject is readily apparent when considered in light of the rapid development and use of technical equipment, machinery, and vehicles in law enforcement work. These are often the instrumentalities of injury complained of in civil actions. In addition, due to increased financial responsibility, the modern officer, both individually and as the representative of his employing agency, has become a prime target for suit because now, besides winning a judgement, there is also a good chance of collection.

Other factors which must be considered are the increased pressures brought upon law enforcement by the continuing process of change in social structures; the widespread emphasis on realization of rights guaranteed under the Constitution and other laws; and statutes specifically designed to facilitate suits in which the plaintiff charges that he has been denied his rights by some act or omission of a representative of law enforcement.

II. BASIS FOR LIABILITY

"Judgment" refers to the fact that a wrongdoer, brought to court to answer charges, may find that the decision is against him and he is ordered to suffer a penalty. The distinctions between a judgment resulting in "criminal liability" and one imposing "civil liability" mainly are the identities of the parties, the nature of the wrong complained of, and the nature of the penalties imposed. In a criminal prosecution, the defendant must answer to the state for violations of its laws and he may be sentenced to pay a fine or suffer imprisonment or both. In a civil suit the defendant must answer the complaint that he violated some duty owed to another person and, if held liable, he may be required to pay for the resulting damages. In law, this legal wrong is called a tort.

In this regard, probably the most widely recognized duty of a law enforcement officer is that requiring him to avoid negligence in his work. The officer may have full authority to act but unless he does so using a reasonable standard of care he may be sued and adjudged liable for damages. In addition, his failure to comply with a duty imposed by statute may result in civil liability. For example, the failure to take an arrestee without unnecessary delay before a committing magistrate may be the basis for a suit charging false imprisonment. Similarly, arrests, not based on a warrant or probable cause, may give rise to suits for false arrest.

The duty to recognize and uphold the Constitutional rights, privileges and immunities of others is imposed on law enforcement officers by statute and violations of these guarantees may subject the officers to civil suit. The use of unreasonable force, in most situations, is sufficient for civil liability and, of course, an officer also may be subject to suit for any unauthorized damage he intentionally causes.

Unless specifically changed by statute or court decision, the general rule is that the government enjoys sovereign immunity. It cannot be sued without its consent. Therefore, even though an officer is working directly for the government, and but for his responsibilities as an officer he would not be doing those things which result in civil liability as described above, he stands alone. He must answer personally for his acts or omissions, official or otherwise, and a judgment of civil liability for damages must be paid out of his pocket.

In some jurisdictions, sovereign immunity has been waived to the extent of transferring the responsibility for official conduct from the officer to the government. However, this is not widespread and even where it has been done it does not totally protect the officer from the harassment of civil suit. In addition, the waiver of immunity will relieve the officer only of the responsibility for acts committed "within the scope of his employment, " leaving him in jeopardy concerning any other act or omission.

III. PROBLEM AREAS

A. Traffic Accidents

1. Negligence in Driving Vehicles

a. On Emergency Run

Exposure to liability is probably greatest while operating a police vehicle under emergency circumstances. In many states, the need for exceptional authority in this regard is met by statutory exemption from the usual traffic regulations. For example, Virginia Code Section 46-226 provides that a publicly owned vehicle operated by or under the direction of a police officer in the chase of violators or suspects may disregard traffic signals, stop signs, etc., when necessary. But, the exemption applies only when the vehicle displays warning lights and sounds a siren when reasonably necessary and when there is in force a standard automobile liability insurance policy in the amount of $50,000 for injury to one person or a maximum of $300,000 for injury to several persons. Such limitations are typical, but the statute does not stop there. The protection which it appears to give in the beginning is seriously impaired by the concluding sentences. "Such exceptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation."

Thus, even where there is statutory encouragement to act, the officer's performance will be reviewed to determine whether it was "reasonable." This standard is difficult to confine in a single formula. For present purposes, it is more practical to examine a few cases where the courts have determined the standard was not met. One such case began on August 20, 1952, when a city patrolman was ordered to an accident scene. Just over the sharp crest of a hill his car crashed into an overturned automobile and injured a man directing traffic. A judgment of $45,000 for damages was had against the officer. A city-paid insurance policy covered only $10,000 of the judgment and seven years later the officer, married and the father of three children, still owed $ 3,912 including interest. More than half of his take-home pay would be required merely to pay the interest on the debt. Washington, D.C. Evening Star, November 19, 1959.

In another case, while on an emergency run, a patrolman drove his cruiser through a red light and was involved in an accident fatal to the passenger in another automobile. The officer was indicted for negligent homicide and was sued by the estate of the accident victim for damages in the amount of $184,320. In this case the officer was acting under a city ordinance making it legal for emergency vehicles to ignore red lights at intersections, provided they slowed " as may be necessary for safe operations." Louisville, Kentucky, Courier-Journal, October 23, 1963.

A judgment for $25,000 was awarded against an officer for injuries to an 8-year old boy occurring while the officer was on an emergency run to assist another officer in making an arrest. His police car hit a dip at a high speed and the officer lost control of the vehicle. As an additional problem, the car had defective brakes. City of Avon Park v. Giddens, 158 Fla. 130 (1946).

A contrary ruling recently reversed a $101,305 verdict for the survivors of a woman killed in a collision with a police cruiser. The police car, on an emergency call, was running through a red light when the crash occurred. The court said the officer had the right to "run a red light if he did so with due regard to the safety of the public." Testimony indicated the police siren and signal lights were going at the time of the accident. Louisville, Kentucky, Times, 3/24/67.

b. Chase

Appropriate guidelines to be followed by officers confronted by the necessity for a chase vary considerably from state to state. There is no general rule and in fact some communitites question the propriety of conducting high speed chases in heavily populated areas where the danger to third parties is obviously great.

The Florida Supreme Court has taken the position that the fact of increased risk should not automatically increase the liability of the officer involved in a chase. The case concerned pursuit to arrest a motorist who fled while the officer was writing out a traffic summons. The plaintiff claimed the increased danger outweighted the necessity to arrest a mere traffic offender but the court declared: "If by this complaint, the plaintiff charged the officer with reckless conduct simply because he pursued the offender, on the theory that mere pursuit creates a highway danger, we must disagree. Neither would we agree that while the officer should pursue offenders he must do so at lawful rates of speed or, in this case, at thirty miles per hour while the offender moved off at ninety miles per hour. We think the rule is that the officer should take such steps as may be necessary to apprehend the offender but, in doing so, not exceed proper and rational bounds nor act in a negligent, careless or wanton manner."

In determining whether an officer, in pursuit, has acted negligently or recklessly it is to be borne in mind that he is charged with the duty of arresting the offender and must often exceed the precautions normally imposed upon individuals." Miami v. Horne, Fla. ——(April 5, 1967); 35 LW 2618.

c. Commandeered Vehicle

In emergency situations it occasionally becomes necessary for an officer to call upon private citizens for help in enforcing the law. In return, the citizen generally is afforded protection against personal liability. "Because of the duty of the private individual to aid an officer who calls on him to assist in an arrest, it is frequently held. . .that whoever in good faith renders assistance and obeys the directions of a known police officer in response to a call for assistance is protected in making an arrest, although the officer may be acting wrongfully and may thus be personally liable for the arrest." 5 Am. Jur.2d, Arrest Section 115.

A recent Wisconsin case is typical. The private citizen complied with a request to place his truck on the highway to form a roadblock. In a subsequent suit for negligently obstructing the highway, the court said: "Whether the roadblock was adequate or inadequate, or whether it was negligently established and maintained, is not the concern or the responsibility of the private citizen. This is not to say if a sheriff should commandeer a private vehicle in the hot pursuit of a criminal that the private citizen using his own judgment in the management and speed of his car could not be negligent. However, when a law enforcement officer commands the private citizen to do what would otherwise be a negligent act, the private citizen ought not to be held to be negligent. . .A citizen answering the cry of help or despair of a police officer or his commands should be given reasonable protection in furnishing assistance if we expect citizens to fulfill their duties of citizenship." Kagel v. Brugger, 19 Wis.2d. 1 (1963).

In some jurisdictions, there is specific authority for police officers to commandeer vehicles belonging to private citizens where necessary. However, use of this authority has not been free of problems for law enforcement. A city police officer commandeered an unoccupied private auto, the keys to which had been left in the ignition, and used it to pursue fleeing suspects. In the chase, he struck and killed a pushcart operator. The city was sued by the administrator of the deceased's estate for damages, but it refused to accept liability because the statute waiving sovereign immunity pertained only to municipally owned cars. Berger v. City of New York, 200 App. Div. 402, (1940) aff'd 285 N.Y. 723 (1941). Recent legislation has extended coverage to commandeered vehicles used within the scope of an officer's enforcement duties. See N.Y. Gen. Municipal Law, Section 50-C, effective 1964.

2. Negligence in Traffic Supervision

a. Hazardous Conditions on Highways

A State Trooper found an abandoned and unlighted truck stalled on a highway. He attempted to find the owner but did nothing to remove the truck, light it up, or otherwise warn approaching motorists. A car crashed into the truck and its driver sustained personal injuries and property damage and as a result the Sate was sued under a statue allowing liability. In awarding $228,000 to the plaintiff, a total invalid as a result of the accident, the court said,

> "...discovering a dangerous hazardous condition under the circumstances and permitting the condition to continue was the proximate cause of the accident . . .the Court feels that the defendant, the State of New York, is liable for the action or the failure to act by the State Trooper to take precautionary measures to prevent the mishap." Peterson v. State, 235 N.Y.S. 2d 397, 402 (1962).

b. Roadblocks

Roadblocks established without authority, improperly established, or maintained in an unsafe manner may bring about personal injury or property damage or both, and may thereby cause civil liability. A roadblock established in an unsafe location such as just over the crest of a steep hill or around a sharp bend is particularly dangerous. In addition, liability may stem from the failure to set out appropriate warning signs, signals, or flagmen to give notice to approaching motorists. For example, a roadblock established in the vicinity of White Sands Proving Grounds was designed to protect the public during periods in which the military forces of the United States were conducting guided missile experiments in that area. The roadblock was located at the base of a steep mountain grade but the officers in charge failed to set out appropriate markers to warn approaching traffic. A large and heavily loaded truck came over the top of the hill and started downgrade. The driver attempted to slow the truck but was unable to do so in time to avoid collision with the barrier. The owner of the truck sued and damages were awarded for negligence in establishing and maintaining this dangerous roadblock. U.S. v. Byers, 122 F. Supp. 713, reversed on other grounds, 225 F.2d 774 (1955).

This example should not deter the use of the roadblock device where appropriate. It is generally held that officers have the authority to set up roadblocks as long as they do so in a reasonable manner. This means that "The responsibility for the use of the roadblock and for the type used, whether blocking the entire highway or only one lane of traffic or of using lights and signs or a squad car at the side of the highway leaving all lanes open or any other device for stopping traffic upon the highway, is upon the law enforcement officer or agency establishing the roadblock." Kagel v. Brugger, 19 Wis. 2d 1 (1963).

3. Negligence - Miscellaneous

A Chief of Police and his city were sued when the Chief, cleaning out the police squad car, threw out a block of wood which struck and injured a child walking along the sidewalk. Sykes v. City of Berwyn, 320 Ill. App. 440 (1943).

B. Negligence in Use of Police Weapons

1. Firearms

a. Firing to Prevent Escape

Loaded firearms are dangerous instruments and a high degree of reasonable caution must be exercised in their use. Policemen are not excepted from this rule. For example, just before noon in one of the busier sections of Newark, New Jersey, an officer entered a liquor store and found the manager holding a man caught in the act of stealing liquor valued at $36.87. The thief dropped the liquor and ran down the middle of a very narrow street. The officer chased him, called "Halt" four or five times and then fired at the thief's lower legs. The bullet struck something, ricocheted and wounded a pedestrian. Witnesses on the scene disagreed as to the number of persons on the street at the time and estimates ranged from "a few" to 20 or 30. In an action for damages filed as a result of these events, the court indicated that even when a officer is justified in shooting it is a question for the jury whether he exercised reasonable care under the circumstances. In general, a police officer is not justified in shooting at every escaping criminal. Only when the man being pursued has committed a common law felony and there is no other way of capturing him is the police officer justified in using his gun to prevent escape. Davis v. Hellwig, 21 N.J. 412 (1956).

Other cases arising in similar circumstances have included: bystander struck by bullet from revolver of police officer fired in pursuit of robbers fleeing down a street, Evans v. Berry, 262 N.Y. 61, (1933); officers shooting a bystander during an auto chase, Arnold v. State, 8 N.Y.S. 2d 28 (1938); 17 year-old shot and killed when fleeing on foot to avoid a traffic arrest for speeding, Martin v. Donlin, 148 Conn. 27 (1961); youth shot in back by jail guard during attempted escape from misdemeanor term, Washington, D.C. Post, May 19, 1962; reserve police officer, who had received no firearms instruction or training, intervened in an argument between a youth and a tow truck operator over a service charge and then shot the youth in the back when he ran following an attempt to arrest him, McAndrew v. Mularchuk, 33 N.J. 172 (1960).

b. Self-Defense

As a general rule officers are entitled to fire in self-defense, but this rule does not give absolute immunity from suit for damages. For example, two officers planned to arrest a dangerous fugitive in a hotel dining room. The arrest plan miscarried due to failure of a third person to carry out his assignment and as the fugitive left the dining area he spotted the officers, pulled his gun and fired. Each of the officers returned the fire. A girl who happened to step into the hallway when the shooting began was struck by the officers' bullets and her injuries were the basis for a civil suit. The court in this case indicated that although the officers had a right to shoot in self-defense, where such action is obviously dangerous to others and the necessity for shooting may be avoided by withdrawing from the combat, by retreating to the wall, " it would be for the jury to say whether due care for the safety of bystanders did not require such avoidance. Shaw v. Lord 41 Okla. 347 (1914).

A police officer of 27 years experience, 5'8" tall, was allegedly attacked by a drunk 6'2 1/2" and powerful. The officer was twice thrown to the sidewalk, dazed and otherwise injured, eventually spending ten days in a hospital and being incapacitated for 24 days. As a last resort the officer shot at his assailant and wounded an innocent bystander who then sued the city for negligence. A verdict for the plaintiff was upheld. Wilkes v. City of New York, 127 N.Y.S. 2d 853 (1954).

c. Negligent Handling of Firearms

A Newark, New Jersey, police officer in off-duty status removed his service revolver (worn by police regulations) in his bathroom and the weapon fired. The bullet pierced a 6 1/2 inch wall and struck a child in the adjoining apartment, paralyzing her for life. In a suit against the officer and the city, it was contended that the city was negligent in that (1) no instruction had been given to the officer in off-duty firearms safety; (2) the officer was using a dangerous holster which would allow the weapon to fall out; (3) no retraining had been given to the officer since the original 3-day firearms class, and (4) he had not fired the weapon for over 16 months. The verdict was for $255,000. Peer v. Newark, 71 N.J. Super. 12 (1961).

In another Newark case, an officer was sued for personal injuries when a young woman was wounded in the spine and permanently confined to a wheel chair after officer's gun discharged accidentally in her home. According to the complaint in the suit, which demanded $5,000,000 in damages, the officer was a visitor in her home and "jokingly" removed his gun from his holster and it "suddenly went off," injuring her. Newark, N.J. Evening News, March 29, 1960.

A New York City Police Officer entered a store being robbed, announced himself and fired 6 shots at two bandits in close range. Four shots struck the decedent, who was being held hostage. Decedent's executor alleged negligence. The officer had been given firearms training once every four months, firing 10 rounds slow fire at a target 60 feet away. His last two scores were 65 and 62. There was no training in combat shooting. The lower court dismissed the complaint but the appellate court reversed, holding that a prima facie case of negligence was established "...on the theory that the officer had not received sufficient and proper training in the use of small firearms." Meistinsky v. New York, 285 App. Div. 1153 (1955).

d. Controlling Access To and Use of Firearms by Others

Where officers have acquired the duty to control access to and use of firearms by others they must discharge such responsibilities with a reasonable standard of care. For example, a civil suit developed where a father turned his son's pistol over to police saying the son had no permit and had threatened his wife's life with it. Later the police returned the gun to the son who then used it to shoot his wife and commit suicide. Benway v. Watertown, 151 N.Y.S. 2d 485 (1956). In another case a minor was shot to death during permissive but unsupervised use of the police firearms range by youths in disregard of the department rule. Bucholz v. Sioux Falls, 77 S.D. 322 (1958).

2. Tear Gas

An officer investigating broken auto windshields suspected (suspicion only - not probable cause) a 29-year-old man of apparently low intelligence who lived nearby with his mother and brother. After conversation with the mother, but without medical diagnosis or warrant, the officer concluded that the suspect was incompetent and had to be taken by force from a room which he refused to leave. Tear gas was obtained - but no gas masks - and thrown into the small, closed room. After some minutes of being driven back by the fumes, the officers broke the barricaded door and removed the suspect, screaming, vomiting and frothing, to a hospital where he died 14 hours later. Medical testimony established that tear gas can be lethal when highly concentrated in a small room.

In the mother's suit for negligence the state showed that the officers had been instructed in the use of tear gas in the open, but the court held for the plaintiff, saying:

> "...the Court finds that the State was negligent in failing to instruct the officers that the tear gas could be lethal. Where an employer trusts his employees with an instrumentality, intending him to use it, the employee must be trained sufficiently in its use to avoid causing harm to another. The State had the duty of giving its employees proper instruction in the use of tear gas, to enable them to use the same properly and safely in a reasonably foreseeable situation....This the State failed to do, informing the troopers that tear gas was not a lethal weapon when in fact, under some conditions, it could be lethal." Titcomb v. State, 222 N.Y.S. 2d 596 (1961).

The court further held the officers were negligent in failing to bring gas masks for use in forcing a quicker entry into the room after gassing it. See also Hagedorn v. Schrum, 226 Iowa 128 (1939), and Salazar v. Bernalillo, 62 N.M. 199 (1956), for other cases of alleged negligence in use of tear gas.

In addition, employing tear gas either as a form of corporal punishment or as a means of enforcing discipline in a jail situation may give rise to civil liability. An example of this is a recent suit for $210,000 in which the plaintiff complained that while she was in jail, charged with being drunk and disorderly, a deputy sheriff discharged a tear gas bomb into her jail cell causing personal injuries. She further alleged the officer failed to provide any medical treatment. St. Petersburg, Florida Times, October 1, 1966.

C. Negligence in Arrest

1. Planning the Arrest

Where the officer's plan for arrest is a contributing factor in a situation resulting in injury, his negligence in this regard may produce civil liability. For example, in a 1961 case, two plain clothes officers entered a theater on special assignment and observed a man resembling a suspect wanted for several armed robberies. One of the officers went into the lobby and told the assistant manager that something was going to happen in the theater "pretty soon." The officers had information that the suspect was dangerous, having participated in several armed robberies, that he was likely to be armed and would forcibly resist arrest. They considered calling for assistance of other officers to set up the arrest but decided against it. They planned to wait and confront the suspect as he emerged from the theater.

During the intermission, the officers observed the suspect in the lobby and one approached him, identified himself as a police officer, and asked for some identification. The suspect immediately drew a pistol, began firing at the officers, and ran. One of the officers drew his own weapon, ordered the suspect to stop and then fired. One of his shots hit the suspect and the other struck the theater manager who was hidden behind a door. The manager sued and won a verdict against the officers. The Supreme Court of the state affirmed the verdict. The Court said that there appeared to have been"...ample time, between their first discussion of strategy and the intermission, to summon additional help, which was not done. They had information that the suspect was dangerous and likely to be armed and to resist arrest by force of arms if necessary."

The Court said the officers' plan to demand identification amounted to an invitation to the suspect to reach into his pocket, bring out and use his revolver. This brought about a situation which both officers expected might happen. The Court said the rule should be that where an officer is confronted with a sudden emergency such as observing a suspect committing a felony or threatening human life he should not be held liable in the event he has to fire and a bullet goes astray and wounds an innocent third party. However, the Court would not apply this rule where a jury question exists as to whether the conduct of the officer created the situation which brought about the emergency. Dyson v. Schmidt, 109 N.W. 2d 262 (1961) (Minnesota).

2. Reasonable Force

The limitation on the use of reasonable force under the old common law was expressed in an early decision as follows: "The general rule is well settled, by elementary writers upon the criminal law, that an officer having custody of a person charged with a felony may take his life, if it becomes absolutely necessary to do so to prevent his escape; but he may not do this if he be charged simply with a misdemeanor; the theory of the law being that it is better that a misdemeanant escape than that human life be taken." U.S. v. Clark, 31 F. 710, 713 (1887).

As the actual degree of force used in each instance will vary, so will the amount of permissible force vary. Therefore, it is a question for the jury whether or not the force in a particular case was unnecessary, unreasonable or violent. "The standard is the conduct of ordinary, prudent men under the existing circumstances." Morgan v. Labiak, 368 F2d 338, 340 (1966). The general rule was applied in a recent Florida decision to refuse a $232,000 judgment that had been awarded in the shooting of a 16-year old boy by police officers. In this case, officers on patrol in an area in which there had been a high crime rate received a report of a burglary. An individual was observed running from the store in which the burglary was believed to have occurred. They ordered him to stop but he ran to the roof of a building, jumped a six-foot fence and was escaping when he was shot. The suspect, subsequently acquitted of the charge of burglary, filed a civil suit alleging that he was permanently paralyzed from the waist down by the officer's bullet. The trial court awarded the plaintiff the verdict but the appellate court reversed on the grounds that it is unnecessary for the suspect actually to be guilty in such a case as long as the officers reasonably believe that he has committed a felony and that he attempted to escape. The court added that these officers appeared to have acted in good faith and that no excessive force was used. Miami, Florida News, March 16, 1966.

On the other hand, in another civil suit, the evidence disclosed that the plaintiff had been arrested by a city police officer for speeding and driving while intoxicated. During the execution of the arrest the officer allegedly struck the plaintiff with such force as to cause the loss of sight in one eye. The evidence indicated this officer "...appeared to be an individual who had been involved in many street brawls." A verdict of $6,000 was returned. Peters v. Bellinger, 22 Ill. App. 2d 105 (1959). Similar cases have included a suit alleging that the plaintiff and another person were in an automobile when it was halted by two police officers who shot the right rear tire. One officer then approached the car and discharged a shotgun into it, inflicting permanent injuries on the plaintiff. Matczak v. Matthews, 265 Wis. 1 (1953). In another case, a constable allegedly stopped a suspect's vehicle and assaulted him with a blackjack without cause. Brooks v. Moss, 242 F. Supp. 531 (1965).

Other illustrative cases are: officers and city sued for assault and battery by traffic officer who allegedly dragged plaintiff from his car, assaulted him and took him to city hall, where he was released without any criminal charge being filed. McSheridan v. Talladega, 242 Ala. 162 (1942); officers sued for $240,000 on the allegation that following arrest for a misdemeanor and after arrival at jail, officers beat plaintiff with a blackjack, clubs and fists until he now "...ambulates with a hemiplegic gait ..." and is unable to perform work of any nature. Simpson v. Poindexter, 241 Miss. 854, 859 (1961); $75,000 verdict against police officers who inflicted severe brain injuries to plaintiff with nightsticks in using an inordinate amount of force in relation to that necessary to effect his arrest, where plaintiff became involved in a street "scene" described in the dissenting opinion as a "near riot." Hinton v. New York,, 13 App. Div.2d 475 (1961).

The President's Commission on Law Enforcement and the Administration of Justice, Task Force: The Police, page 189, recommends six guidelines concerning the use of deadly force in law enforcement.

a. Deadly force should be restricted to the apprehension of persons who threatened the use of deadly force in the course of their crimes and persons whom the police believe will constitute a substantial risk to the lives of others if their apprehension is delayed.

b. Deadly force should never be used on mere suspicion.

c. Officers should not fire when lesser force could be used.

d. Warning shots should never be fired.

e. The police should be permitted to use any necessary force to protect themselves or other persons from death or serious injury.

f. A written report should be filed in all cases where firearms are discharged.

In New York, Article 35 of the Revised Penal Law, effective 9/1/67, limits the use of deadly force to situations where there is a threat of harm to the person rather than property. It distinguishes between cases in which there is an attempt to prevent the commission of a crime and those concerning arrest for a completed crime. Thus, an officer may use deadly force when he reasonably believes it necessary to protect human life from the use of imminent use of deadly physical force. He may use such force where he reasonably believes it necessary to prevent any of six specified felonies: Kidnapping, robbery, forcible rape, forcible sodomy, burglary involving the use of physical force against an occupant of a dwelling, and arson.

In regard to apprehension, the old New York rule permitted deadly force where necessary as long as the crime charged was a felony. The Revised Law limits such force to cases where the person has used deadly force or threatened its use in the commission of a crime or to facilitate his escape.

How much force does an officer have to use? In a recent case, it was held that officers are required only to use a reasonable degree of force to maintain custody of an arrestee. Officers arrested and handcuffed two individuals on a public street. The prisoners broke away and ran, handcuffed together, along the public sidewalk crowded by pedestrians, including the plaintiff. They collided with her, causing personal injuries as she was thrown to the sidewalk. She sued, claiming the officers were negligent in failing to use sufficient force to prevent the escape of the arrestees and that this brought about her injuries. The court dismissed the complaint and the plaintiff appealed. The appellate court affirmed the dismissal and held that the amount of force or the means used by a police officer in attempting to keep an arrested person in custody is a discretionary judgment to be made by the officer. As a second ground for its opinion the court said that to impose civil liability generally on officers in those situations where a prisoner escapes from custody would encourage officers to use too much force in order to avoid personal liability. The court said "a rule of law which may encourage police brutality is not desirable." Ne Casek v. City of Los Angeles, 43 Cal. Rptr. 249, 299 (1965).

Occasionally, the search incidental to an arrest provides the basis for a civil suit alleging unreasonable force. For example, during 1962, a Federal raid on a bar that was being used as the headquarters of a gambling operation resulted in the arrest of the owner and an incidental search of the premises. Among other things seized, the officer removed a wall telephone. Upon complaint of the owner, the judge ordered the telephone be suppressed as evidence and that the officers involved personally defray the cost of having the telephone replaced.

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The court indicated that an unreasonable amount of force was used in this search and that ripping the phone from the wall was motivated more as a punishment against the owner than as a seizure of evidence. Wheeling, W.Va., Intelligencer, April 14, 1966. In a similar case, officers desiring to search a private home falsely told the subject's wife that they had a search warrant and an arrest warrant. On entering the premises, one officer restrained the wife. The court said this conduct would not have been excessive if the officers, in fact, had had a search warrant. Kelley v. Dunne, 344 F.2d 129 (1965). See also, Norton v. McShane, 332 F.2d 855 (1964).

3. Injuries to One Assisting Officer

A New York City Police Officer, attempting to arrest a person or persons unknown for throwing a bottle at him from a roof top, called a nearby private detective for assistance. As the two officers were planning their action, a shower of bricks fell upon them, causing permanent injury to the private detective. He sued the city and recovered a judgment for $22,000 under Section 1848, Penal Law (N.Y.) which made it a misdemeanor to refuse assistance to a law enforcement officer when called upon and which provided a cause of action against the officer's governmental unit for any injury sustained by the citizen so assisting. Riker v. City of New York, 126 NYS 2d 229 (1953). See also Maffei v. Kemmerer, 80 Wyo. 33 (1959).

It has been held that private citizens, acting as quasi-law enforcement officers when called upon to assist an officer in making an arrest, are not liable in a civil action for false imprisonment even if the arrest was illegal. The request of the officer is full justification for the citizen's action and he is not bound to inquire into the legality of the arrest being made by the officer. 5 Am. Jur. 2d 115; Kagel v. Brugger, 19 Wisc. 2d 1 (1963); McMahan v. Green, 34 Vermont Reports 69 (1861).

D. Negligence in Jail Operation

1. Lack of Attention

The failure to provide appropriate supervision may bring about civil liability on the part of the attending officers as well as their superiors. For example, a town was held subject to liability for the negligent acts of its police officers in placing decedent in a helpless condition of intoxication in the town jail and then leaving it locked and unattended. The decedent died of smoke suffocation during a fire. Hargrove v. Cocoa Beach, 96 So.2d 130 (1957). Similar cases in which prisoners died due to lack of attention following incarceration are reported in Thomas v. Williams, 105 Ga. App. 321, (1962); McCorkell v. Northfield, 266 Minn. 267, and Gentry v. Town of Hot Springs, N.C. 44 S.E.2d 85 (1947).

2. Negligence in Custodial Handling

Negligence in the care and treatment of prisoners has been alleged in cases where the plaintiff was exposed to smallpox from the handling of clothing of infected persons in the jail. Evans v. Kankakee, 231 Ill. 223 (1907). Other examples in this area are: a female prisoner arrested without warrant and placed in cell overnight adjacent to cell holding 19 male prisoners and released next day with no charge filed, Wommack v. Leah, 180 Kan. 548, 305 P.2d 854 (1957); 76-year old man found lying on the floor of a fire station muttering incoherently, placed in cell for 18 hours without medical aid, discovered to be suffering from fractured hip and elbow. Dunham v. Canisteo, 303 N.Y. 498 (1952); and, failure to segregate a prisoner, known to have communicable venereal disease, from other prisoners, Lewis v. Miami, 173 So. 150 (1937).

LAW ENFORCEMENT OFFICER TRAINING

3. Assaults

a. By Jail Personnel

Cases have arisen alleging assault and battery committed during incarceration. Such intentional torts are difficult to justify unless there are exceptional circumstances relating to maintenance of custody of the prisoners. For example, a judgment was awarded the plaintiff where it was alleged a jail inmate was beaten to death by city police officers who had histories of seriously abusing prisoners. Fernelius v. Pierce, 138 P.2d 12 (1943) (California). In addition to the misconduct on the part of the officers charged with the actual beating in this case, the court said their superior officers had the duty to prevent administration of the jail by unfit subordinates and that the failure to perform this duty made them personally liable as well.

Another example is a suit recently filed alleging that a deputy sheriff released a tear gas bomb in a cell in which a female prisoner was being kept. The claim for $210,000 damages alleged that the tear gas was a form of corporal punishment and that the prisoner, who was charged with being drunk and disorderly, was afforded no medical treatment. St. Petersburg, Fla. Times, October 1, 1966.

The question of the extent of responsibility for acts of prisoners assigned duties as trustees was raised before the Arkansas State Claims Commission by a former convict wounded by a stray bullet fired by a trustee, who killed another prisoner, wounded a third and then killed himself at the prison farm. The complaint demanded $50,000 on the theory that the Penitentiary armed a convict and so made him a servant of the state. The Commission took the case under advisement. Little Rock, Arkansas, Gazette, December 12, 1966.

b. By Others

Officers responsible for the administration of a jail may be liable for injuries inflicted upon one prisoner by others. This is not to say that the sheriff is an insurer of the safety of those in his custody"...but if he has knowledge of a custom of certain prisoners to assault or beat or physically abuse other prisoners. . ., then it is his duty, in the exercise of ordinary care, to use such means as are at his command to prevent such unlawful acts." Miller v. Owsley, Missouri (1967). Thus, liability is imposed because of the officer's failure to act in circumstances where the law requires it.

Following this reasoning, a city commissioner, police chief and jailors were sued by plaintiff who alleged that after being arrested for drunkenness he was placed in a drunk tank. Thereafter, two belligerent drunks were placed in the tank and all jail personnel departed, leaving no one within hearing distance. The two belligerent drunks then violently assaulted plaintiff. Brown v. Shreveport, 129 So.2d 540 (1961).

However, there has been no liability where the jailer could not reasonably be expected to foresee the injury (jail keys entrusted to prisoner who permitted another to escape the following day, steal a car, and collide with plaintiff's vehicle. State of West Virginia v. The Fidelity and Casualty Company of New York, 263 F. Supp. 88 (1967)). Further, if possible injury could have been foreseen but the object used to assault a fellow prisoner was one necessary to the operation of a prison (and therefore available to inmates) the jailer is not liable for failure to remove it or more strictly control access. Such a case was Fleishour v. U.S., 365 F2d 126 (1966) in which a wall type fire extinguisher was used to assault and seriously injure another prisoner. An expert witness in the case said that one of the most serious assaults he had seen concerned a prisoner who attacked another with a heavy Bible while attending church services.

E. Negligence in Personnel Matters

1. In Hiring

In jurisdictions where the governmental unit has waived the doctrine of sovereign immunity it may be liable for negligence in hiring an individual unqualified or unsuited for law enforcement work. The unfit officer, acting in ignorance, may well be subject to personal liability as well. For example, an individual was employed as an officer for a trial period of thirty days. No one bothered to check his background prior to employment. Had they done so, they would have found he had a record of being involved in many street brawls and had been convicted of grand larceny. During the course of his duties, the officer stopped a motorist for speeding and driving while intoxicated. In dealing with the motorist, he used a blackjack with such force as to cause the loss of an eye. The court indicated that the city equipped the officer with a gun, a star, and a blackjack but failed to test his background and experience and failed to afford him any suitable training as an officer. In a civil action brought by the victim, judgment was given the plaintiff for, as the court said, "there seems to be little question that negligence existed in the hiring." The judgment was reversed on other grounds. Peters v. Bellinger, 19 Ill. 2d 367 (1960)

Other examples are, civil suit filed against an officer and the city for assault and battery where the officer was hired despite a previous conviction for murder and there was a record of several assaults following his employment. Anderson v. Vanderslice, 240 Miss. 55 (1961); action for damages alleging negligence for assigning an unqualified individual to work as a reserve police officer where the officer, equipped with a .38 caliber revolver but receiving no training and having no experience in the use of firearms, wounded a minor. McAndrew v. Mularchuk, 33 N.J. 172 (1960).

In a case which did not concern police officers but which expressed the principle of law involved here, a recently employed assistant in a bowling alley suddenly assaulted some of the customers. An action was filed against his employer to recover damages for negligence in hiring such an employee. The assistant had been hired three weeks prior to the assault but no inquiries were ever made into his background, even though he appeared to be a "floater" with no permanent residence and having no funds. He said some irrational things prior to the assault but was still retained in his job. The court said such facts are for the jury to consider and if they find the employer negligent in hiring and keeping a potentially dangerous employee with a history of mental instability, his assault on the customer was within the range of foreseeable consequences for which the employer would be liable. Vanderhule v. Berinstein, 285 App. Div. 290 (1954) (N.Y.).

2. In Training

On January 25, 1959, following a motel holdup, a police officer gave chase to an individual he mistakenly assumed was one of the robbers. The chase, at speeds up to 85 mph, ended when the officer fired. His bullet lodged against the suspect's spine and resulted in paralysis from his waist down. In a civil suit by the boy's mother, she demanded $1,250,000 based on a claim that the city was negligent in properly training the officer. Newark, N.J. Evening News, August 24, 1960.

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In an unrelated case that arose during 1958 in Newark, a 10-year-old girl was paralyzed as a result of being struck by an officer's bullet when his gun unexpectedly discharged. In a damage action, $225,000 was awarded the plaintiff. The plaintiff's argument was based on the contention that the city had not adequately instructed the officer in the use of firearms and that no provision had been made for retraining. In presenting his case to the jury, the plaintiff's attorney hammered strongly on improper training. Newark, N.J. Evening News, January 17, 1962. At approximately the same time another New Jersey case arose concerning a boy who had been shot by a special patrolman while fleeing from a quarrel. The basis for the civil action filed was that the patrolman had been improperly trained in the use of firearms. Newark, N.J. Star Ledger, March 18, 1960.

In a news item appearing in the January 10, 1965 edition of the New York Hearld Tribune the problem of negligence in training officers was emphasized and it was pointed out that in New York City, of the 13,000 personal injuries and property damage claims filed against the City from July 10, 1963, to June 30, 1964, a total of 326 were of the police action type. The damages sought in these cases totaled $84,365,000. The article pointed out the facts of a New York City case in which an off-duty policeman came along a Brooklyn street in time to witness a bookie being heldup by two men. The officer got into a gun battle with the holdup men and several of his shots hit the bookie, killing him. Relatives of the bookie sued the city alleging that the police officer had been poorly trained. It was noted that shortly after this case the police department changed its target practice regulations. Officers, who had been required to fire only 30 rounds a year, now had to fire 230 shots.

3. In Supervision

Officers assigned in supervisory capacities have a duty to discharge their responsibilities with a reasonable standard of care to prevent unfit officers from exercising police authority. For example, an intoxicated police officer, out of uniform, was placed in a taxi by three uniformed officers who told the driver to take the passenger wherever he wanted to go. The intoxicated officer subsequently shot the driver with his service revolver. Police regulations required that an officer carry his revolver at all times, however, in a civil suit resulting from these facts, the court said it was negligence for the uniformed officers to permit the drunken policeman to go upon the public street armed. That is, it is negligence to permit an officer incapacitated for duty to the extent of being a potential danger to the public to continue to exercise the authority granted him in his official capacity when the facts of his incapacity are known to his superior officers. Lubelfield v. City of New York, 4 N.Y. 2d 455 (1958).

In an unprovoked assault while intoxicated, an off-duty policeman used his service revolver to kill one man and permanently injure another. Plaintiff proved that the officer had been disciplined by his department three times previously, all for intoxication. The third time, the Commissioner threatened to fire him (usually done in such cases), but put the officer on probation for a year. Two months after the shootings, the officer was diagnosed as psychotic from use of alcohol and 5 months later he was confined in a hospital for the insane. Police regulations required officers to wear service revolvers at all times. The trial court dismissed the complaint but the appeals court reversed, holding that there was evidence from which a jury might find that the Commissioner had sufficient knowledge of the officer's dangerous tendencies that he was negligent in failing to discharge. McCrink v. City of New York, 296 N.Y. 99 (1947). See also Fernelius v. Pierce, 138 P2d 12 (1943), a California case. Other suits have involved alleged assault within a jail by an officer having past history of assaults, Hinds v. Hannibal, 212 S.W. 2d 401, (1948); alleged assault without provocation by three officers whose past history of beating up unoffending persons was known to their superiors. Stouffer v. Morrison, 400 Pa. 497 (1960); alleged unprovoked shooting by officer following reports to city by officer's family that he was mentally unstable and dangerous. Bobo v. Kenton, 186 Tenn. 515, (1948).

F. Negligence in Handling Property

Officers acquiring official custody or exercising discretion over disposition of property of another are under a duty to preserve it for the true owner as far as may be reasonable under the circumstances. Failure to comply with this obligation may result in strict liability. For example, in the old case of Miller v. Horton 152 Mass. 540 (1891), a member of a board of health acting under statutory authority ordered a horse, believed to have glanders, destroyed. At the trial for damages, the court held the horse did not in fact have glanders, therefore, the officers were held liable because they acted beyond the authority of the statute which was limited only to actual cases.

In Essex, England, an officer arranged with a tobacco company to borrow 262,000 cigarettes, valued at 2.383 pounds sterling, to use as a decoy in catching a thief. Due to an erroneous signal from one officer to others, the plan failed and the thief escaped with the cigarettes. The tobacco company sued the police inspector who prepared the trap, a second inspector who supervised it, the officer who gave the wrong signal, and a truck driver helping the officers. Recovery was had against the latter two only, the truck driver being one-fourth to blame and the officer three-quarters. It was reported that the police officer "is unlikely to foot the bill....." London England, Daily Telegraph and Morning Post, April 10, 1963.

A sampling of other cases involving property includes: situations where two officers were sued for breaking open premises and placing a third party in possession of the premises and personal property contained therein. Savage v. District of Columbia, 52 A. 2d 120 (1947); township officers destroyed a race horse valued at $25,000 found stuck in a culvert, though otherwise uninjured, without making may effort to extricate the animal or notify its owner. Boorse v. Springfield, 377 Pa. 109 (1954); officers were alleged to have impounded personal property and cash of an arrested woman which was not returned on her release, Grimes v. Henryetta, 208 Okla. 217 (1953); suit also has been brought for damages to land where officers allegedly destroyed crops while trespassing and searching a river for a dead body. Gillmor v. Salt Lake City, 89 P. 714 (1907); and for overflow damage caused by trash accumulating in a chicken wire fence stretched across a river to recover a body. Sehy v. Salt Lake City, 126 P. 691 (1912).

G. Failure to Act

1. Willful Neglect of Duty

In some states there are specific statutes which provide penalties for officers convicted of "Willful Neglect of Duty." For example, it was recently reported that officers charged with this offense were indicted by a special grand jury under Section 14-230 of the General Statutes of North Carolina. To be guilty, the officer must be aware of the nature and responsibilities of his office. He is held liable for intentionally omitting, neglecting, or refusing to discharge those duties. Such statutes usually provide that these offenses are misdemeanors so that in addition to administrative penalties the officer may be subjected to criminal penalties. The same facts which give rise to an indictment under such statutory provisions may be the basis for civil suit by private persons injured as a result of the officer's neglect. Charlotte, North Carolina News, November 20, 1964.

2. Reported Crime - Failure to Respond

Civil suits have been filed on allegations that reports were made that a felony was being committed or was about to be committed, but the officers failed to act in response. Examples are a $550,000 suit brought against a sheriff by the mother of a child who was kidnapped and later murdered. The plaintiff claimed the sheriff was advised on two occasions that the child had been kidnapped, but the officers took no action. A witness in the case testified he saw the kidnapper transporting the child in a car on the morning she was kidnapped and notified the sheriff twice. Kansas City, Missouri Star, September 16, 1965.

In another case, Veterans Administration Hospital sent a telegram shortly before noon, Friday, to the Chief of Police requesting that a furloughed mental patient be picked up and returned to the institution. The Chief of Police contacted his police counsel and was advised not to comply with the request until something was received in writing. As a result the police decided to take no action. Late Friday night or early Saturday morning, the mental patient killed his wife and three children and attempted to kill himself. The outcome of this matter is still indefinite although there is a chance that a civil action might be filed against the police officers involved for negligence in failing to respond to a request which indicated at least the possibility that the mental patient constituted a danger to the community. Buffalo, New York Courier Express, April 19, 1965.

3. Failure to Cancel Wanted Notice

There was a robbery in Hartford, Connecticut, at 3 p.m. on February 9. The Hartford police sent a message to the New York State Police giving a description and license number of a car and stating that two men in the car were wanted for the crime and that one of them was armed. The New York State Police relayed the message to the White Plains, New York, Police Department. White Plains forwarded the message to New Rochelle. About nine hours later the New York State Police received a cancellation indicating the original information was in error but they allegedly failed to forward the cancellation. Subsequently, the New Rochelle officers, acting on the original information, spotted the designated car and attempted to arrest its two occupants. The men in the car, apparently believeing the plainclothes officers were bandits, resisted arrest and one of them was killed. In a suit brought against the State Police charging negligence in failing to transmit the cancellation message, the court held for the plaintiff. Slavin v. State of New York, 249 App. Div. 72 (1936).

4. Special Events - Failure to Control

Where officers incure duties in regard to special events, they are required to fully perform these extra responsibilities with the same reasonable care that they perform their ordinary assignments. For example, in the Village of Watkins Glen, New York, a sports car club sponsored a racing contest of 6.6 miles over a public road, part of which was a state highway. A New York statue requires a permit from the authority having jurisdiction over the roads to be used in such an event and says that no such contest shall be held unless the course is fully and officially patrolled for the entire distance over which such race or contest for speed is held. On this occasion one of the cars in the race left the highway at high speed on a curve where spectators were forbidden to be (according to the permit issued). Three spectators and a city fireman ordered to be there, who were present on the curve without having been warned of the danger, were injured in the crash. Liability was imposed on the grounds that the State Police had a duty to fully patrol the highway and they negligently failed to perform that duty. Sarri v. State, 125 N.Y.S. 2d 507 (1953).

Plaintiff, injured by an exploding fireworks bomb, alleged officers, present to police a parade route, were negligent in failing to prevent and stop others from violating the law. The city had issued a permit for a fireworks display following the parade; however, fireworks bombs were exploded from a truck during the parade in order to attract spectators. Adamczyk v. Zambelli, 25 Ill. App. 21 1212 (1960).

5. Failure to Protect Informants

Arnold L. Schuster provided New York City police with information leading to the capture of a badly wanted fugitive. Schuster publicized his act and immediately began receiving threatening communications. Some police protection was given but three weeks later, when not under guard, he was murdered by a person or persons unknown. His father, as administrator of the estate, sued the city. The lower court dismissed the complaint but the appeals court reversed. It held that the public owes a special duty to use reasonable care to protect those who have collaborated with public officers in the arrest or prosecution of criminals once it reasonably appears that the informant is in danger due to his collaboration. Also, once the city had undertaken to protect the informant, it had the obligation not to terminate the protection under circumstances reasonably indicating that to do so would increase the risk of harm to the informant growing out of his cooperative action. Schuster v. City of New York, 5 N.Y. 2d 75 (1958).

In a somewhat similar case, a woman called the local sheriff and complained that her husband assaulted her with a deadly weapon, threatened her life, and then left the premises promising to return. The deputy sent to the scene interviewed the complainant, asked her help in arresting her husband, and departed. Subsequently the husband returned and murdered his wife. Her administrator brought suit against the sheriff and the county alleging negligence. The court denied the motion of the sheriff to dismiss the charges and indicated that where the officers acted in response to the complainant's call for help and then left the scene without providing reasonable protection, they were guilty of negligence. The court said these officers did not perform their duties in a reasonable, careful and prudent manner but added that the point at which liability begins depends upon the facts in any given case. Isereau v. Stone 140 N.Y.S. 2d 585 (1955).

6. Failure to Warn

Where through a promise or by regulation there is a duty to warn particular individuals or a class of individuals, the officer charged with that duty must use reasonable care to insure that such warning is given in sufficient time to serve the purpose intended. Violations of this general rule have resulted in civil actions. For example, in 1960 an individual, arrested on a charge of lewd and lascivious conduct in connection with an 11-year-old girl, threatened to kill the girl's mother. In view of the threats, a promise was made to advise her of any contemplated release of the subject. However, he was released on bail without any warning to the woman and within two days he carried out his threat and then committed suicide. In the resulting $100,000 damage suit it was held that the officer in question was negligent in failing to warn, as promised, that a dangerous prisoner was about to be, or had been, released. Morgan v. County of

Yuba, 41 Cal. Rptr. 508 (1964).

A nurse and two Burns Detective Agency guards were victims of a homicidal assault by an insane Air Force officer, released without warning, in spite of the promise of Provost Marshal to do so. A U.S. Court of Appeals held the suit proper under Federal Tort Claims Act. Fair v. U.S., 234 F. 2d 288 (1956). In an action for damages against a municipality concerning the death of a man directed by a town police officer to assist in the pursuit of a felon without warning as to the danger of the situation the suit was dismissed against the town under the doctrine of municipal immunity. Maffei v. Kemmerer, 80 Wyo. 33 (1959).

H. Intentional Torts

1. Invasion of Privacy

a. Illegal Search and Seizure

Unauthorized physical intrusion and search of the person, private premises, papers, or personal effects gives rise to a cause of action under the common law for invasion of privacy. Cases in this area have arisen under both state and Federal systems. For example, in a state case, the plaintiff alleged that officers "carelessly and negligently" broke into his private premises, entered and searched without legal authority, and with a negligent disregard for the plaintiff's right to privacy. Thompson v. Jacksonville 130 So. 2d 105 (Fla.) (1961).

Federal officers investigating a mail robbery in which a large amount of cash had been taken went to a suspect's home and demanded entry. With the knowledge that they had no arrest or search warrants, the officers told the suspect's wife they had a warrant charging her husband with robbery and they forceably entered the premises. The search revealed some U.S. currency and two cloth money bags, which items were removed over the objection of the wife. A civil suit filed in the state court was removed to Federal court and summary judgment was rendered for the defendant Federal officers. The plaintiff appealed and the appelate court reversed, indicating that though Federal officers may be immune to personal liablity while acting in the scope of their employment, immunity does not extend to a case such as this. Kelley v. Dunne, 344 F.2d 129 (1965).

b. Personal Matters

Invasion of privacy can occur not only in the physical intrusion into the premises of another but also where there is unreasonable prying into and publication of the personal affairs of another. For example, in a recent case, an appelate court upheld the right of a plaintiff to sue certain police officers under the following alleged facts. The plaintiff went to the police department to file charges in connection with an assault upon her person. The defendant, an officer of the department, advised her that in such cases it was necessary to take photographs of her in the nude and he took such photographs without any other person or persons being present. He then distributed the photographs to other officers. The plaintiff added that she objected to the taking of the photographs because they did not show her bruises and they therefore did not appear to be relevant to her assault complaint. The trial court dismissed the complaint but on appeal it was held that the plaintiff had alleged sufficient facts to state a claim and it was error to dismiss her complaint. The court said, in dictum, that taking photographs of the nude body "...may or may not constitute unreasonable search in the 4th Amendment sense...." but added "we do not see how it can be argued that the search of ones homes deprives of privacy but the photographs of ones nude body, and the distribution of such photographs does not." It was indicated that the court was referring to unnecessary photographing done against the wishes of the person being photographed. York v. Story, 324 F.2d 450 (1963).

2. False Arrest

a. With a Warrant

When an arrest is illegal but made under the authority of a warrant, the general rule is that the officer is immune from personal liability, being merely regarded as an arm of the court issuing the warrant. (Assuming the court has jurisdiction and the warrant is lawful on its face.) Reference should be had, however, to your own state law and state court decisions.

b. Without a Warrant

(1) Arrest Under Mistake of Fact

A legal arrest may be made on probable cause alone but all too often an officer is confronted with the necessity, in a doubtful case, to guess whether there is sufficient probable cause. If he makes an arrest and is held to have acted without probable cause, or the prosecution fails to prosecute, or the judge dismisses the case, he may find himself being sued in tort, possibly in Federal court for violation of civil rights. If, however, he fails to arrest, he may find himself liable under a state statue for failure to perform a nondiscretionary ministerial duty of his office. Examples of such cases are not hard to find. In 1959, a barmaid in Detroit was arrested by local officers for allegedly accosting and soliciting an immoral act, but she was later found innocent in the local magistrate's court. The woman then sued the arresting officers for $59,000 damages arising from her arrest and imprisonment for part of one night. The jury awarded her $27,000. Detroit, Michigan News, May 14, 1964.

In 1963, a suit was filed in Chicago asking for $65,000 damages against the chief security officer of a local race track and a captain in the sheriff's office, who had been investigating the activites of a gambling syndicate. The officers arrested the plaintiffs, and charged them with being a part of the syndicate. The suit charged that the officers accused the plaintiffs of watching the race track tote board with binoculars from their home, located near the track, and phoning results to "the gambling syndicate." The plaintiffs claimed that the officers did not find binoculars in possession of the plaintiffs and finally decided to charge them with disorderly conduct, a charge which later was dismissed. Chicago, Illinois Tribune, May 28, 1963.

(2) Arrest Under Mistake of Law

The courts generally have held that an officer is not protected in a civil suit where he has made a mistake of law no matter how reasonably he may have acted. For example, in a recent case, a motorist, stopped by the New York State Police for a routine check, exhibited a Massachusetts Operator's License. As this license was expired, the motorist was arrested for having no New York State Operator's License. At a Justice of the Peace hearing he entered a plea of not guilty and for the first time produced a valid New York State Operator's License. Charges were dismissed but the State Police rearrested the motorist for violating a state statue prohibiting the holding of more than one license at the same time. At the second trial the charges again were dismissed on the grounds that the statute referred to unexpired licenses and his possession of the expired Massachusetts license did not violate the law. The motorist filed a civil suit for false arrest and false imprisonment and it was held that although his first arrest was proper because of his failure to exhibit his New York license, his second arrest was not authorized by the statute and therefore he was entitled to damages. Synder v. State, 38 Misc. 2d 488 (1963) (N.Y.).

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It has been suggested recently by a Federal judge at Washington, D.C., that mistakes as to policy in administering certain statutes may result in civil liability for officers. In this regard, the policy of handling chronic alcoholics as persons suffering from an illness rather than as criminal law violators may result in District police officers facing false arrest suits if they arrest for public drunkenness persons they know have been adjudged chronic alcoholics. Washington, D.C., Evening Star, October 16, 1966.

c. Duty v. Personal Feelings

Officers are subject to personal stress as much as other people but they must not confuse their personal feelings with their law enforcement duties. For example, during 1965, a plaintiff recovered a judgment of $1,500 against an officer for false arrest and imprisonment where the facts indicated the officer had been dating the plaintiff's divorced wife and there had been personal friction between the officer and the plaintiff. The alleged events which led to the filing of the civil suit were that the officer thought he saw the plaintiff make an illegal U-turn. He called the plaintiff over to his car, said nothing about the traffic offense, and proceeded to discuss their social problems. While they were talking, the former wife appeared on the scene and the plaintiff began talking to her. The officer then commented concerning the fact that the plaintiff was on probation for failure to support his former wife and this provoked the plaintiff who then referred to the officer using obscene language. The officer asked the plaintiff to repeat the statement, he did, and the officer arrested him for disorderly conduct, which charge was later dismissed by the prosecutor. At the civil suit for false arrest, the court said abusive language may be probable cause for an arrest, but a police officer cannot provoke a person into a breach of the peace and then arrest him without a warrant. Lane v. Collins, 29 Wis. 2d 66 (1965).

In another case, an $1,800 judgment was granted against a state trooper where the trooper, who was seated in his patrol car writing out a ticket, was disturbed by the appearance of a third party who made derogatory comments about law enforcement officers neglecting more serious offenses but stopping a car for a trivial matter. No physical interference with his duty occured but the complaint was very loud and angry. After apparently taking as much as he could stand, the officer arrested the individual. In making the award of damages against the officer the court commented that a greater degree of control is expected of officers than of other citizens in such circumstances. Spokane, Washington, Spokesman Review, December 22, 1965. In a 1966 case, it was noted that a single epithet, questioning ones paternity, sounded in passing upon the highway by a motorist who believed himself offended by the operation of another automobile driven by a police officer, did not constitute probable cause for an arrest for disorderly conduct. Rue v. Snyder, 249 F. Supp. 740 (1966).

d. Statutory Exemptions - Waivers

In some states there is specific statutory authority exempting officers from suit from illegal arrest or imprisonment in certain cases. For example, in the Annotated Laws of Massachusetts, Chapter 272, Section 46 there are provisions to facilitate the disposition of persons held for drunkenness. The statute provides for immediate release in some instances upon the execution of a written statement and a request for release. Where the arrested person is released under the authority of this statute the officer making the arrest shall not be liable for illegal arrest or imprisonment.

In the absence of a statute, some officers may consider the use of waivers to be signed by the arrestee prior to his release to avoid suits for false arrest. However, serious questions concerning the voluntary nature of such waivers and their enforceability, in view of the absence of any legal consideration, make this practice highly questionable. In states where such waivers may be legally enforceable they should be considered in all instances in which an arrested person is released without appearance before a magistrate.

e. Deliberately Induced Arrest

It has been held that liability for false arrest does not apply in a situation where a person deliberately seeks arrest and takes affirmative steps to mislead the police. Generally, such a person has no right of action for false arrest where he is discharged as soon as the truth is discovered. *Clark v. Bird*, 354 F. 2d 977 (1966).

3. False Imprisonment

a. Release Prior to Appearance Before Magistrate

As a general rule an officer has a duty to release the arrestee as soon as there is no longer authority for his detention. (*Restatement, Torts* 134, Comment f and 136, Comment f (1934)). Some state statutes specifically provide for release by the officers prior to appearance before a magistrate, for example, see *California Penal Code* 849 (b). However, where the arrestee demands a hearing and release by a magistrate, the necessary arrangements should be made.

b. Illegal Detention

Detention without legal authority, such as holding a suspect while an attempt is made to gather evidence, may provide the basis for a successful civil suit. In 1964, a suit for $250,000 was filed against a county attorney, a sheriff and three deputies who, during the process of a murder investigation, arrested a female, aged 17, charged her with murder and held her in the county jail while officers continued to seek probable cause for her arrest. The civil suit filed as a result of these facts alleged that the plaintiff was denied the right to have her attorney present during more than six hours of interrogation, that she was left in a room for an hour with a man who admitted several murders and that she was then placed in the "drunk tank" with adult prisoners. In addition, the suit alleged that the officers prepared lesser charges to detain the girl, but these were not filed because they did not want her released on bond. Phoenix, Arizona *Republic*, April 18, 1964.

In a more recent case, a man was arrested on a bench warrant for contempt of court. In a subsequent suit for damages against the district attorney, assistant district attorney, clerk of the court, a detective, and another person designated only by name, he charged that after the arrest he was held at city hall for six hours without permission to call his family or an attorney. He was then taken to the county prison and incarcerated for eight days before he was released without a hearing. The court upheld his claim and said "due process of law requires that an accused at least receive a hearing before he is punished for his alleged contempt...." *Johnson v. Crumlish*, 224 F. Supp. 22, 25 (1963).

4. Libel-Slander

Officers may be subject to suit for making false defamatory statements (slander) or for defamation by means of a writing or picture of any sort (libel). Reported cases include: a $125,000 suit filed in California by a former police captain against the chief of police charging defamatory statements were made in bad faith with knowledge they were untrue. Such remarks as he " would never place the plaintiff in a position of command" and that" he could not be trusted" were cited as causing hatred, contempt, ridicule, nervous strain, mental anguish, high blood pressure, time lost from work, and inability to obtain life insurance. Santa Ana, California Register, March 15, 1966.

A successful civil suit against Federal officers alleged that the defendants falsely told the wife of the plaintiff that there was an arrest warrant outstanding for the plaintiff for a robbery committed five years previously in another state. Kelley v. Dunne, 344 F.2d 129 (1965). See also, Chafin v. Pratt, 358 F. 2d 349 (1966).

5. Injury to Character and Reputation

Though officers may use reasonable force when necessary in executing a lawful arrest, care should be taken to avoid costly side effects. In 1964, a family of three each sued the sheriff for $5,000 damages claiming that his deputies entered their home and arrested them when they had committed no offense. They alleged the deputies drew their guns in a hostile and frightful manner, causing a large crowd to gather. The husband, a local builder, claimed his fine reputation and stature in the community was irreparably damaged. All three claimed mental humiliation, mental and body distress, pain, inconvenience, and injury to character and reputation. Miami, Florida News, September 26, 1964. A similar theory was used as the basis for a civil suit filed against a commercial bank, its manager, and a teller in a case in which the plaintiff had been convicted of bank robbery based on their mistaken identification. The plaintiff who had received a sentence of 15 years in Federal prison was freed when another individual confessed to the robbery. The suit said the defendants were "negligent, reckless and wanton" in identifying him as a bank robber. Though police officers were not defendants in this case, the same theory could be used to bring an action against officers who are negligent in relating their observations. Washington, D.C. Post, October 4, 1966.

I. Liability for Torts of Subordinates

1. General Rule

The general rule is that a superior officer is not liable for the torts of a subordinate even when the tort is such that the subordinate would be liable. Davis, "Administrative Officer's Tort Liability," 55 Mich. L. Rev. 201, 212 (1956). The reason for the rule, as stated by the Supreme Court, is that "competent persons could not be found to fill positions of the kind, if they knew they would be held liable for all the torts and wrongs committed by a large body of subordinates, in the discharge of duties which it would be utterly impossible for the superior officer to discharge in person." Robertson v. Sichel, 127 U.S. 507. 515 (1888)

2. Exceptions to the General Rule

a. Sheriffs

By statute in some states sheriffs are held liable for the acts of their deputies. See Magenheimer v. State, 120 Ind. App. 128 (1950); Aetna Casualty and Surety Co. v. Clark, 136 Tex. 238 (1941). The differences in liability were pointed out in a recent case when the court said that though the sheriff, the constable, and the marshall may be liable for the acts of their deputies the chief of a municipal police department is not responsible unless he directed such acts to be done or personally participated in the matter. The distinction is that deputies hold office through the sheriff or marshall and act purely as his representatives, whereas the chief of police does not personally select his deputies but acts only as a supervising officer for other public servants hired as members of the police department. Jordan v. Kelley, 223 F. Supp. 731 (1963).

b. Direct Participation

Where the supervising officer ordinarily would be exempted from liability for the torts of his subordinates he may incur liability for directing or participating in the acts which constitute the tort. See Jordan v. Kelley, supra: Czap v. Marshall, 315 F. 2d 766 (1963), Wadsworth v. Middletown 94 Conn. 435 (1920); Nunn v. Turner, 133 Wash. 654 (1925); Rich v. Warren, 123 F.2d 198 (1941).

c. Non-delegable Duty

Liability may attach to the superior officer for improper performance of a duty imposed upon him which he may not delegate to another. See Chambers v. Anderson, 58 F.2d 151 (1932); Ulvestad v. Dolphin, 152 Wash. 580 (1929).

d. Negligence in Personnel Matters

A superior officer may be held liable for selecting or for retaining unfit, incompetent, or vicious subordinates. Fernelius v. Pierce, 22 Cal. 2d 226 (1943).

J. Civil Rights

1. Statutory Authority for Civil Suits

The substance of Title 42 United States Code. Section 1983, which has been law since 1871, provides that:

> "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

The plain meaning of the statute is that any state, county, or city officer doing police work, or what purports to be police work, and who in so doing deprives any person of Federal Constitutional or statutory rights, can be sued personally for damages in Federal court regardless of any action to which he may be entitled in state court. Monroe v. Pape, 365 U.S. 167 (1961). In addition, individuals who join or cooperate with these officers also are subject to liability under this Act. Johnson v. Crumlish, 224 F. Supp. (1963).

As indicated, the statute only applies to individuals. Egan v. City of Aurora, 365 U.S. 514 (1961). But efforts have been made to extend civil liability in this regard. On March 11, 1965, a bill (S. 1497) was introduced in the United States Senate to amend the statute by extending liability to cities, counties and other political subdivisions of a state or territory employing officers found to be violating Section 1983. As of the close of business of the Second Session of the 89th Congress (1966) no further action had been taken on the bill, and no such legislation has been enacted to date.

By its terms the statute does not extend to Federal officers and it was recently held that officers of the United States Department of Justice acting under color of Federal law could not be liable under its provisions. Norton v. McShane, 332 F.2d 855 (1964), (cert. den. 380 U.S. 981); U.S. v. Faneca, 332 F.2d 872 (1964).

LAW ENFORCEMENT OFFICER TRAINING

2. Guidelines for Liability under 42 U.S.C. 1983

a. Intent

While a specific intent to deprive him of his constitutional rights is required under the criminal section of the Civil Rights Act, (Title 18, USC Sections 241, 242) neither specific intent nor purpose to deprive an individual of his civil rights is prerequisite to civil liablity under the provisions of Title 42 USC 1983. Basista v. Weir, 340 F.2d 74 (1965). However, it has been held that not every error of law or facts by the police will be of such significance as to be termed a deprivation of Federal rights. For example, a police officer received a telephone request for assistance and found upon arrival at the designated home that a father was struggling with his 17-year-old son. The officers, believing the father's behavior to be irrational, removed him to the police station where shortly thereafter the family doctor committed him to a state institution for the mentally ill. He was released after ten days and filed suit for civil rights violation. The court held for the defendant officers and said it does not appear the police made any mistakes under the circumstances but even if they did, such error was not of sufficient importance to support a civil suit under the Federal statute. Joyce v. Ferrazzi, 323 F.2d 931 (1963).

b. Defenses

The Supreme Court has declared that Section 1983 should be read against the background of tort liability that makes a man responsible for the natural consequences of his actions. According to the decision of Pierson v. Ray, 386 U.S. 547 (1967), that background permits the defense of good faith and probable cause.

The Pierson case is important because it delineates more clearly what is expected of the officer and provides a legal basis for defense in civil suits arising under the Federal statute. The allegations were that clergymen in clerical attire, participating in a civil rights prayer pilgrimage, arrived at the Jackson, Mississippi, bus terminal about forty minutes before their bus was due to depart. They started toward the coffee shop but were stopped by two city police officers who directed them to "move on." The clergymen remained where they were. Soon a captain of police arrived, and he ordered them to "move on." There was testimony at the trial that a crowd had gathered and they were "mumbling in a very ugly mood."

The clergymen were arrested and charged with disorderly conduct under a Mississippi statute. They were tried before a municipal police justice and given the maximum sentence. On appeal to the state court, one of them was found not guilty and the charges against the rest were dropped. In a later unconnected case, the Mississippi Disorderly Statute was declared unconstitutional. The clergymen then sued the arresting officers and the police judge, claiming that the arrests had been based on an unconstitutional statute.

One of the questions raised to the Supreme Court was: Can the officers defend their case on the grounds they acted in good faith and had probable cause when they made the arrest under a statute that was later declared unconstitutional? The Court cited the general common law rule that an officer who arrests someone on probable cause is not liable for false arrest simply because the innocence of the suspect is later proved. An officer does not have to choose between being charged with dereliction of duty if he does not arrest when he has probable cause, and being sued for damages if he does. The same reasons would excuse the officer from liability under a statute that he reasonably believed to be valid but that was later held unconstitutional.

3. What Rights Are Protected?

On its face the statute appears to protect only Federal rights and it has been held that violations of rights assertedly conferred by a state statute may not be the basis for a cause of action under Section 1983. Stiltner v. Rhay, 322 F.2d 314 (1963). The broad scope of protection that is afforded by Section 1983 would require a study of many volumes to accurately describe the numerous applications of this law. For present purposes, it is possible only to mention cases that have arisen in some of the more troublesome areas.

a. Freedom of Religion, Speech, Press, Peaceable Assembly

A civil action was filed against an officer alleging that instead of allowing the plaintiff to stand in one place on the sidewalk and display his placard he made him keep moving. Whaley v. Cavannagh, 237 F. Supp. 900 (1963). Similarly, a suit was filed charging that the plaintiff went into Los Angeles International Airport to distribute religious pamphlets discussing national and international issues. His purpose also was to protest the arrival of Russian Deputy Premier Mikoyan. As he was crossing the street, he was seized by officers who took his pamphlets, tearing some into pieces and keeping the others. He was detained for ten minutes, though he was not told he was under arrest, and no charges were filed against him. He demanded his pamphlets but they were never returned. The officers had no warrants of any kind. Smith v. Cremins, 308 F. 2d 187 (1962. See also Herschel v. Dyra, 365 F. 2d 17 (1966). In Tracy v. Robbins, 40 F.R.D. 108 (1966) the plaintiff sued, alleging violation of his Constitutional rights to freedom of speech, petition, and assembly.

b. Arrest, Search and Seizure

The Constitutional requirement for arrest, Beck v. Ohio, 379 U.S. 89 (1964), search and seizure, Mapp v. Ohio, 367 U.S. 643 (1961), and interrogation, Miranda v. Arizona, 384 U.S. 436 (1966) are now mandatory for non-Federal as well as Federal officers. Failure to comply with these guidelines may prove to be expensive in lost cases as well as personal liability. For example, a judgment for $13,000 was awarded a plaintiff who alleged that 13 Chicago police officers broke into his home in the early morning, routed plaintiff, his wife and children from their bed, made them stand naked in the living room, and ransacked every room, emptying drawers and ripping mattress covers. Further, that plaintiff was then taken to the police station and detained on "open" charges for 10 hours while he was interrogated about a two-day old murder, that he was not taken before a magistrate, though one was accessible, that he was not permitted to call his family or an attorney, and that the officers acted without warrant of any kind. Monroe v. Pape, 365 U.S.167 (1961).

In another case, suit was filed alleging that the plaintiff was arrested by Chicago police officers while driving his car at an excessive rate of speed and while to some degree under the influence of alcohol. He alleged the officers ordered him to blow his breath into a drunkometer and that when he refused to do so they called him a "wiseguy" and kicked and beat him. In upholding his right to sue, if he could prove his allegation, a Federal court of appeals said:

> "A broad interpretation of the Supreme Court's decision in Monroe v. Pape may will open the flood gates and bring into the Federal trial courts thousands of assault and battery cases that should never be there. In metropolitan

> areas where many arrests are made daily, cases based upon this kind of claim may well completely jam what are already crowded trial calendars. Police officers, in making arrests, are often required to use force, and for their own safety, to make search of the persons whom they have arrested. Only a small degree of imagination is required for these prisoners to develop an ordinary arrest into a claim that an attempt was made to force confessions, or to invade other constitutional rights." Hardwick v. Hurley, 289 F.2d 529, 530 (1961).

Mickey Cohen filed suit against two California police officers charging that, at a public place in Los Angeles, without probable cause or warrant of any kind, the officers seized and held him and searched his person and his automobile. He claimed the officers did not arrest him and that the searches and seizures were made in a public place for the purpose of humiliating him and that they did humiliate him. He also claimed that the officers struck him with the intention of causing injury. As to the personal injury alleged, the officers contended that no right is violated unless the force used was such as to shock the conscience of the court. The court said, however, that previous cases have not "...intimated or suggested that some particular level of violence or barbarism in connection with a search and seizure is necessary in order to constitute a violation of the due process clause of the Fourteenth Amendment." As to the humiliation, the court said "..the only legitimate purpose of a search is to ascertain whether articles which the officers have a right to seize are on the person or premises being searched. Any search is unauthorized and so becomes unreasonable in the constitutional sense when it goes beyond that purpose." Cohen v. Norris, 300 F. 2d 24, 31, 32 (1962).

More recently, a suit claiming $30,000 damages was filed against 17 police officers at Washington, D.C. alleging they kicked the plaintiff, beat him with clubs and fists, slammed a heavy door against him and denied him medical attention for a period of hours. This case arose when the officers attempted to arrest four juveniles in an alley and a crowd of hostile residents gathered at the scene. The plaintiff, a part that crowd, became engaged in a dispute with the officers and each filed complaints that the other "started swinging first." Washington, D.C. Post, September 8, 1966.

c. Due Process

In a case decided in 1963, the facts as alleged were that a highway patrolman stopped the plaintiff for a driver's license check. Hot words were exchanged. Later, the officer saw the same driver on the highway, followed him for six miles, and finally arrested him for a minor traffic infraction. There were more hot words and the officer beat the plaintiff with a blackjack. The plaintiff was eventually charged with drunken driving. When he finally was taken before a magistrate and advised of the drunken driving charge he then learned he would not be permitted to post bond due to several technicalities and that he would have to remain in jail for several days unless, of course, he decided to change his plea from not guilty to guilty. Upon hearing the case, a Federal court said that a jury could well determine that the plaintiff was arrested without probable cause; that he was denied the right to bail; that, by coercion he was denied the right to a trial; and, that he was compelled to enter a plea of guilty. Stringer v. Dilger 313 F.2d 536 (1963).

d. Right to Counsel

In a case illustrating this point, the plaintiff alleged that a police magistrate issued a warrant charging the plaintiff's employer with violation of municipal ordinance, and directed a police sergeant to arrest the plaintiff although he was not named in the warrant and was not charged with any offense. Allegedly, the plaintiff was arrested and taken to the village hall and required to remain there until the magistrate returned. The plaintiff claimed he was denied an opportunity to consult with conusel while awaiting the magistrate and that when the magistrate did appear he used abusive language and the plaintiff was again denied an opportunity to consult with counsel. The magistrate allegedly compelled him to spot bond for his release. The court upheld the plaintiff's right to sue for the denial of his Constitutional rights. Yates v. Village of Hoffman Estates, 209 F. Supp. 757 (1962) (*Ill.).

IV. THE IMPACT OF LIABILITY

A. Judgments

Aside from the nuisance and expense of time lost or dismissal from work, attorney's fees, and related costs, civil suits are not as serious a threat as they at first may appear. As study made over a twelve-year period of tort claims involving police misconduct in Los Angeles showed that the suits constituted an annual average demand of approximately one million dollars, yet the plaintiffs lost 91 per cent of the cases, and actual recoveries averaged only one-twentieth of one percent of the total amount claimed. See Coakley, "Restrictions in the Law of Arrest," 52 Northwestern L. Rev. 2, 5 (1958). These facts should be instructive even though it must be understood that they do not present the total picture. In many cases, out-of-court settlements dispose of the matter without reference to judge or jury so that we have no knowledge of their outcome other than occasional newspaper reports, but such information as has become available indicates that settlements usually are made for considerably less than the original amount demanded. However, the spectre of liability for astronomical sums has had it deleterious effect on police morale and aggressiveness. Fortunately, provisions have been made in most jurisdictions to reduce the impact of liability.

B. Damages

The nature, quality and quantity of the damages the plaintiff may demand from the officer vary considerably according to the misconduct alleged. For example, a person illegally arrested and searched may prefer to sue for the arrest rather than the search because the award may be based on such indefinite injuries as humiliation, mental anguish, and impairment of reputation, while the remedy for illegal search and seizure is usually limited to the actual loss. See Foote, "Tort Remedies for Police Violations of Individual Rights." 39 Minn. L. Rev. 493, 497 (1955).

Damages for public notables may be greater because their loss of reputation may result in a direct loss in income as a result of bad publicity. A recent example of this occurred in New York City when a well-known female singer was arrested on a charge of possession of narcotics. Cleared when a grand jury refused to return an indictment, she sued for $6,000,000 damages. New York Times, May 24, 1965.

C. Economic Impact

1. On the Officer

The officer may receive direct financial injury or an indirect penalty such as dimissal or other disciplinary action. In a suit resulting from a traffic accident the jury awarded the plaintiff $45,000. Less than 1/4 of this sum was covered by the officer's insurance and he began to pay off the balance. Within a few years the total amount of the debt including the interest that had been accumulated was back up to $45,000 and it was doubted the officer would ever be able to pay the debt out of his regular salary. Washington, D.C. Evening Star, November 19, 1959.

In addition, the officer must pay for his attorney's services and other incidental costs. Such expense arises in each case whether the suit is frivolous or well founded and whether he wins or loses.

2. On the Governmental Unit

Where liability is imposed or it is assumed by the employing governmental unit there is a financial loss ultimately borne by the taxpayers. Other costs could include lost man-hours due to attendance at trial; loss of public support which may be reflected in the next year's law enforcement budget; loss of experienced personnel as a result of excessively high personal judgments returned against them; and decline in aggressiveness and efficiency of officers.

D. Impact on Law Enforcement Generally

The discouraging effect of an unchecked increase in the number of civil suits brought against officers and their agencies will be felt throughout law enforcement. This prospect was foreseen recently when a judge dismissed a suit brought against 44 different defendants as "frivolous and downright malicious."

> Not unexpectedly to those having experience in the trial of criminal cases, persons convicted of crimes and in the custody of their jailers do not look upon the case of Monroe v. Pape . . . and numerous other cases decided by the Supreme Court concerning civil rights, as a pronouncement of principles for the redress of genuine grievances or wrongs, but rather as a blackjack to be used indiscriminately, maliciously and at will to harass and annoy not only their jailers but Judges, Jurors, witnesses and everyone having anything to do with their conviction. Roberts v. Barbosa, 227 F. Supp. 20 (1964).

> Another court observed:
>
> What we are asking the officers to decide is the right to arrest without a warrant, a question that this court, and even the Supreme Court of the United States, differs on from time to time. We are rapidly reaching the point where a law enforcement official will be afraid to carry out his authority for fear that he might have to answer in a Civil Suit for damages. This is a sorry state of affairs and I for one will not subscribe to it. I believe that enough roadblocks have already been created in their path without adding to them. Dissenting opinion of Associate Judge Thomas D. Quinn, Municipal Court of Appeals, District of Columbia, June 2, 1961, in Carig v. Cox and Doak, a civil suit against officers for false arrest.

V. PROTECTING THE OFFICER

A. General Rule

LAW ENFORCEMENT CIVIL LIABILITY

Under the common law the officer stood alone and bore the full responsibility for damages occurring as a result of his action or failure to act. The fact that he was not acting for himself, but for his employer was no protection. The government enjoyed sovereign immunity--it could not be sued without its consent and so the injured plaintiff looked to the officer for payment of the damages.

B. Waiver of Immunity

Some protection has been afforded the officer in those jurisdictions where the government has waived its immunity to suit. For example, the Federal Tort Claims Act, Title 28 United States Code, Section 2671, et seq. makes the Federal Government liable to suit for an employee's torts, committed within the scope of his employment, in the same manner and to the same extent that a private employer would be liable. Although some exceptions are provided, the act serves to shift the financial burden from the employee to the Federal Government.

State waiver of immunity has been developed through statutory enactment, New York Court of Claims Act Section 8; Washington, RCWA 4.92.090 (1963), and by judicial decision; Hargrove v. Cocoa Beach, (Florida), 96 So. 2d 130 (1957); Muskopf v. Corning Hospital District, 359 P. 2d 457 (1961). Some state statutes provide a partial waiver of immunity. For example, the North Carolina Tort Claims Act limits liability to a total of $10,000. Gen. Stat. of N.C., Sec. 143-291 (1958).

In addition to states which have rejected the theory of municipal immunity for all purposes by statutory enactment or judicial decision, some have specifically considered the problem as concerns possible liability growing out of the operation of municipally owned vehicles. Typical legislation illustrative of these statutes are those contained in California Vehicle Code Ann., Sec. 17001; Indiana Statutes Ann., Sec. 39-1819; Annotated Laws of Massachusetts, Chapter 12, Sec. 3 B; Michigan Statutes Ann., Sec. 9.1708 (1), (2); New Mexico Statutes Ann., Sec. 64-25-8,9; North Dakota Century Code, Sec. 39-01-08; Pennsylvania, 75 P.S. 623; and West Virginia Code of 1961, Ann., Sec. 494 (6).

For an extended analysis of the development of the law in eight states see Shapo, "Municipal Liability for Police Torts," 17 Univ. of Miami L. Rev. 475 (1963).

C. Within the Scope of Employment

Generally, where the government has waived immunity it will assume liability for the torts committed by its employees or agents acting within the scope of their employment. It has been held that, regardless of the motives with which the governmental representative performs his duties, as long as they are within his authority he is immune from civil suit based on such acts. See Basista v. Weir, 225 F. Supp. 619 (1964); Kolowski v. Ferrara, 117 F. Supp. 650 (1954).

However, where the act is outside the scope of employment and beyond any authority given to the employee or agent, he is independently liable for the consequences of his action. For example, an off-duty New York City police officer, patronizing a bar, reportedly got into an argument with another patron and the dispute resulted in a fight. Without making his official status known the officer drew his gun and in the ensuing struggle the gun went off, killing an innocent bystander. In the subsequent civil action it was held there was no negligence on the part of the city. The officer was off-duty and there was no element of foreseeable danger. Any liability developing as a result of this situation would have to be borne personally by the officer. Bell v. City of New York, 137 N.Y.S. 2d 104 (1954), aff'd. 141 N.Y.S. 2d 820. Similar cases have held a city not liable where the plaintiff was shot by an off-duty patrolman on a personal escapade. Pacheco v. City of New York, 140 N.Y.S. 2d 275 (1954), aff'd 140 N.Y.S. 2d 500; Burns v. City of New York, 141 N.Y.S. 2d 279 (1955).

D. Exemption Statutes

Illinois' new "Local Governmental and Government Employees Tort Immunity Act," (S.H.A. Ch. 85, Sec. 1-101, et. seq.) goes further than most other state provisions to protect the officer. Section 2-202 of this statute provides "A public employee is not liable for his act or omission in the execution or enforcement of any law unless such act or omission constitutes wilful and wanton negligence." Similar provisions are contained in California Government Code, Section 820.4.

California law makes an officer of a county or city immune to suit for negligence or omission of an employee serving under him unless the superior was himself guilty of negligence in selecting, appointing, supervising or disciplining the employee. California Government Code, Section 820.8. It is provided, also, that an act performed in good faith (such as an arrest) under a law subsequently declared unconstitutional shall not subject the officer to liability any greater than would have been the case had the statute not been declared unconstitutional. Ibid., Section 820.6.

Authorized emergency vehicles on call may be exempted from certain traffic regulations but the driver is required to "drive with due regard" and he may not indulge in an "arbitrary exercise of the privilege granted." For example, see California Vehicle Code, Sec. 21055, 21056. North Carolina law contains a "speed exemption" statute which provides that "The speed limitations. ..shall not apply to vehicles operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons...suspected of any violation... This exception shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others." Gen. Stat. of N.C., Section 20-145. Other states have such statutes, but there is disagreement on how much protection they give to the officer. See "Torts-Speed Exemption Statute," 39 North Carolina Law Review 460 (1961).

Ohio Rev. Code Anno., Title 7, 701.02 provides limited immunity for police officers in the operation of vehicles by allowing the defense that the police officer was engaged in police duties to be a full defense to charge of negligence in the operation of the vehicle.

On false arrest, Massachusetts law provides that the officer in charge of the place of custody in which a person arrested for drunkenness is confined shall inform him, when he has recovered from his intoxication, of his right to make a written statement and request for release, and the officer making the arrest shall not be liable for illegal arrest or imprisonment, if the person arrested is so released at his request. Anno. Laws of Mass., Chap. 272, Section 46.

New Mexico Statutes Anno. 14-17-11 provides immunity for officers committing tortious acts within the scope of municipal authority or in execution of the orders thereof and declares the municipality shall alone be responsible for such acts. This statute has been consistently interpreted as meaning that if the officer exceeds his official duties and makes an arrest without proper authority, or commits an assault, he ceases to act in behalf of the city and assumes the entire responsibility. Brown v. Deming, 56 N.M. 302, (1952), Salazar v. Bernalillo, 62 N.M. 199, (1956). However, Georgia Code Anno., Section 69-307 provides that "a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law."

E. Indemnification

1. By Statutory Authority

In Wisconsin if a commission determines that the officer, against whom a judgment has been rendered, was acting in the line of duty and in good faith, it may award the officer the amount of judgment, fees and costs, up to $5,000. If this amount is inadequate the matter is referred to the state legislature for action on a private bill. Wisc. Stat. Ann. Section 285.06. In Massachusetts, the state attorney general may defend the officer in a civil suit and, under a 1965 amendment, where there is a compromise or an adverse judgment the state will pay up to $25,000. Ann. Laws of Mass. Ch. 12, Section 3 B.

Illinois law provides that if an officer of a municipality having a population of 500,000 or over, injures the person or property of another while performing his duties as a policeman the municipality shall indemnify the policeman for any judgment recovered against him as the result of such injury, except where the injury results from the wilful misconduct of the policeman. In the case of the cities under 500,000 population, the indemnity to the officer shall not exceed $50,000, including cost of suit. Illinois, S.H.A. Ch. 24, Section 1-4-6.

Connecticut law provides for indemnification for all sums the officer becomes obligated to pay by reason of a judgment for damages to persons or property which occur while he is acting within the scope of his employment and which are not wilful or wanton. Conn. Gen. Stat. Anno., Section 7-465.

Under Utah Code Ann. (1953) Section 78-11-10 there is a specific requirement that before any action may be filed against an officer enforcing the criminal laws of the state, assuming the action arises out of, or in the course of performing his duties, the plaintiff must post a bond to be used to pay the defendant officer for his costs and expenses, including reasonable attorney's fees, in the event the defendant wins the case. This section of the Utah Code has been interpreted as authorizing payment of attorney's fees to police officers who successfully defend a suit for assault and battery, false arrest and imprisonment, and malicious prosecution. Wendelboe v. Jacobson, 10 U. 2d 344, (1960).

2. Self-Help

Non-governmental programs for assistance to officers required to pay judgments include public contribution; police officers' benevolent associations whose specific purpose is to pay civil liability claims from a fund maintained by periodic assessments; and private insurance programs.

F. Insurance

California law provides that the state, county, city, or district may insure its officers and employees against liability for negligence, false arrest or false imprisonment and that this may be done by self-insurance or through an insurer. California Government Code, Sections 990-990.6.

In Oregon there is a provision for various state agencies to carry liability and indemnity insurance on motor vehicles for the protection of employees operating such motor vehicles in the performance of their official duties. Oregon Rev. Stat. Title 26, 278.090. For additional information, see James, "Tort Liability of Governmental Units and their Officers," 22 U. of Chi. L. Rev. 610, 639, (1955).

G. Legal Counsel

1. Available by Statute

Massachusetts law provides that upon the filing of a written request with the Attorney General of the state he, under certain conditions, shall assume the defense of the action where it appears that the suit arose as a result of an act done within the scope of the officer's duty or employment. Ann. Laws of Mass. Chapter 12, Section 3B. The state of Wisconsin similarly provides legal counsel. Wis. Stat. Ann., Section 285.06.

In some jurisdictions however, police officers are not so fortunate. For example, in Philadelphia it was reported recently that the city could not provide lawyers for policemen in many instances due to a possible conflict of interest. Philadelphia, Pennsylvania, Evening Bulletin, August 18, 1966. In some jurisdictions lacking such authority, legislation has been proposed to provide legal counsel. Such proposals were made to the 1966 California Legislature. Martinez, California, Morning News-Gazette, January 12, 1966.

2. Self-Help

Officers have turned to self-help and some have established a system of providing legal counsel through voluntary mutual benefit organizations. An example of this arose during 1965 when the Boston Police Patrolman's Association was established. It was reported that less than one month after it was chartered by the state, the association successfully defended a member against charges of abusive behavior during the course of his duty. Formerly, concern stemmed from the fact that the filing of such charges could have resulted in the patrolman's suspension from the force. It was pointed out that in the past, complaints were brought against officers and counsel was routinely obtained from the city many weeks later. The officers were forced to work under the cloud of possible indictment and administrative action. Boston, Massachusetts, Herald, October 12, 1965.

In the Nation's capital, a corporate lawyer who said he had devoted 10 per cent of his time over the last 23 years to defending indigents in criminal cases notified the local court that "he had had it," and that "henceforth his free time will be offered without charge to policemen obliged to defend themselves against trumped up charges of brutality." Washington, D.C. Post, July 27, 1967.

H. Actions by Officers

Moved by the mounting pressure of increasing civil suits some officers have resorted to filing civil suits themselves, particularly for personal injuries and property damage. For example, a San Francisco Police Inspector sued one of his former prisoners and won $1,600 in personal damages for having been "brutally beaten and clawed by a 260 pound mugger" arrested in 1965. San Francisco, California Chronicle, September 2, 1967. In Seattle, Washington, a motorcycle patrolman was awarded $3,649.00 when he filed a suit charging that he took a terrific beating from a husky motorist stopped for speeding. Seattle, Washington *Post Intelligencer,* June 24, 1965. In a New York case, an officer won an award of $160,000 in a suit in which he charged that he was struck by an automobile while he was talking to the driver of a car stalled on the highway. New York *World Telegram,* April 4, 1962.

Officers were encouraged by one judge to file felonious assault charges whenever any one assaulted them in the course of their duties. The judge noted that defending himself from physical attack has almost become a policeman's way of life and that officers should file assault charges. Buffalo, New York, *Courier Express,* September 15, 1966.

Officers have filed suits not only where physical injury was involved but also where there was damage to reputation. For example, a police lieutenant sued "several prominent civil rights leaders" for slander for a total of $5,250,000 for allegedly calling him a murderer. New York *Times,* May 5, 1965. In an action alleging libel, another officer sued a national magazine because it stated that the 1961 report of the U.S. Commission on Civil Rights said that the officer *did what* the Commission report merely said that a prior civil suit *alleged* that he did. *Pape v. Time, Inc.,* 318 F2d 652 (1963). Another libel action concerned an officer who sued a newspaper for $10,000,000 alleging the paper said he was guilty after he had been cleared in a fatal shooting. Washington, D.C., *Evening Star,* January 28, 1965.

A $100,000 suit was brought by two officers against a newspaper for publishing an allegedly false and degrading account of a fatal shooting incident in which the officers were involved. Lexington, Mississippi, *Adviser*, September 5, 1963. An officer won a $450 judgment against the lawyer representing a man he had arrested. He charged the lawyer was guilty of defamation of character and had injured his chances for promotion. The case arose as a result of a letter from the attorney to the police commissioner demanding suspension of the officer and charging him with several items of misconduct. New York *Times,* March 9, 1961.

VI. SOME POSITIVE STEPS

A. Prevention

1. Knowledge

Of course, the best way to avoid the difficulties described here is to eliminate the lack of understanding which so often is the controlling factor. But that is easier said than done, and the highest degree of education and sophistication still would not cover those situations where, by the laws of nature, two independent forces collide by accident. Still, there is room for some positive planning aimed at preventing the forseeable errors that commonly plague enforcement officers.

The first step is to establish a selection and training program capable of teaching the new officer (and old heads too) the broad scope of his authority and responsibilities. The substance of the offenses as well as the statutory law must be digested before the officer can be said to be prepared to act in enforcing "the law." Failure to understand the basics in regard to probable cause for arrest, search and seizure, and criminal interrogation can result in police work that is not only less than the best the officer could do but is hazardous from the standpoint of his financial well-being.

2. Responsibility

The second step is to instill in all officers, from Chief to rookie, a sense of responsibility commensurate with the great and necessary authority inherent in the job. Officers are the visible conscience of the community and therefore, must expect the buffeting to which individual consciences everywhere are subjected. Each man must determine how best to make his personal adjustment to the demands of his office. The more compatible he can become with high standards of performance, the more effective will be his work product. A department stressing individual responsibility along these lines is apt to be a strong, dependable community asset and one that is unafraid of incurring civil liability due to negligence, lack of understanding, or intentional wrongdoing.

3. Support

The third step is to cultivate integrity and competency to the point of winning public respect and support. This aspect can be critical in determining whether the governmental unit supplying the funds to operate the department will be anxious to provide modern, technically sufficient equipment or whether the officers will have to take their chances using obsolete or worn out vehicles, devices, facilities, etc. It follows that legislators will be more inclined to enact protective legislation and local communities will be more stimulated to provide the assistance of counsel and other aids where the department is the pride of people.

B. Cure

1. Concern

It should be the concern of all officers to prepare for the time when prevention does not succeed and a civil suit is filed. As a minimum, if there are any resources which provide the necessary counsel fees, court costs, compensation for days lost from work, settlement or judgment amounts, they should be identified. If there are none, some form of protection should immediately be considered. As indicated previously there is a variety of possible sources, ranging from full assumption of liability by the government to insurance programs.

2. Availability

Should it appear that there are at present certain programs designed to afford protection in case of civil suit or, if there are not such provisions and plans are being drawn to satisfy this need, it is necessary to analyze the actual availability of the services promised and to determine realistically the extent of the coverage offered. Not infrequently, statutes designed to be of assistance are drawn so as to be applicable only to specific classes of officers, for example, "state and city police officers" omitting "sheriffs." Other protection plans may or may not extend to all officers of the jurisdiction. By far, the better time to determine the availability of whatever protection exists is before it is needed.

3. Sufficiency

Statutes which purport to waive governmental immunity may do so with reservations, leaving the officer to fend for himself in many kinds of cases. They may limit the total amount of liability to a relatively small sum as compared to current tort damage awards. Insurance programs offered through the government frequently suffer from the same restrictions. The availability of government counsel may be limited to designated departments or only in specific cases upon determination of some executive officer. In short, the officer should be forewarned of his actual status as a potential defendant in a civil action which could result in an order for him to pay an amount many times the total of his annual salary.

LAW ENFORCEMENT, FIREARMS, AND CIVIL LIABILITY

The right of a law enforcement officer and the duty of the officer to use a firearm is determined by balancing the need to arrest and to provide for self-defense against the need to have some measure of control over the use of force by law enforcement officers.

I. INTENTIONAL HARM

A. Legal Consequences

All intentional harm is actionable except where the defendant has a legal excuse or justification. The facts of a particular case are determined by a jury and it is a jury's decision whether the officer's actions were reasonable.

B. Factors To Be Considered By The Jury

1. The jury's judgment should be based on the circumstances of the officer at the time of the action and not on hindsight. As Mr. Justice Holmes stated in Brown v. United States, 265 U.S. 335 (1921), "Detached reflection cannot be demanded in the presence of an uplifted knife."
2. The burden of proof is on the officer to show facts that indicate his use of force was reasonable.
3. In the lawsuit the jury must recognize a legal presumption that the officer acted in good faith in deciding how much force was needed at the time.
4. Was the officer firing in self-defense?
5. Was the offense a felony or a misdemeanor?
6. Was a crime actually committed?
7. Was there any alternative measure of force less than deadly force available?
8. Physical difference between the officer and the subject.
9. Was the subject armed with a dangerous weapon?
10. The nature of the resistance offered by subject, violent or non-violent?
11. Was the officer acting with lawful authority?
12. Did the officer inform the victim of the:
    a. Impending arrest
    b. Offense charged

- c. Officer's authority
- d. (Note that there is an exception for exigent circumstances.)

II. UNINTENTIONAL HARM

A. Negligence

1. Officer
    - a. Negligent handling of weapons
        - (1) Improper safety practices
        - (2) Dry firing
        - (3) Horseplay
    - b. Incompetent to handle weapons
        - (1) Insufficient training
        - (2) Intoxication or drug influence
        - (3) Mental or emotional instability
    - c. Improper selection of weapons
        - (1) Unreasonable firepower for conditions
        - (2) Inappropriate usage of tear gas or other chemical agents
        - (3) Mechanically unsafe weapons
    - d. Improper selection of ammunition
        - (1) Service v. magnum revolver ammunition
        - (2) Shotgun loads appropriate to needs
        - (3) Rifled slug
    - e. Negligent use of weapons
        - (1) Firing at a speeding car
        - (2) Firing under crowded conditions
        - (3) Ricochets
    - f. Standards of care
      It is noted that in arrest situations a citizen is held to a higher standard than an officer on the question of the legality of the arrest, but, when the circumstances develop to a point where firearms will be used, the officer is held to a higher standard because he is presumed to be trained and skilled in the use of weapons.
2. Supervisor
    - a. Negligent selection of personnel
    - b. Negligence in training
    - c. Negligence in equipping
    - d. Negligence in continuing supervision
    - e. Negligence in failing to develop workable and practical policies regarding the use of firearms for guidance of officers.

B. Accidents

No liability is imposed on the officer if there was no intention to harm, no negligence, and the injury could not reasonably have been foreseen.

LAW ENFORCEMENT, FIREARMS, AND CIVIL LIABILITY

III. POLICY

A. Responsibility
The responsibility for formulating policy is on the head of the agency and on any officer delegated the duty of administering the firearms program.

B. Considerations
1. Legal requirements
    a. Common law
    b. Statutes
2. Policy limitations may permit less than the law allows because of
    a. Efforts to develop public cooperation
    b. Simplicity of administration
    c. Avoidance of civil suits
3. Implementation of policy
    a. Training new officers and In-Service programs
    b. Require a written report of each use of gun including records of firearms training.
    c. Establish some means to review each use of firearm. The head of the agency or some delegate or a committee should review to determine whether:
        (1) More training is needed for the individual officer
        (2) The department policy should somehow be modified
        (3) The officer should be commended
        (4) The officer should be disciplined
        (5) The matter should be referred to the Department's legal counsel to prepare a defense.

REVIEW AND EXAMINATION GUIDE

REVIEW - TIME ALLOTTED 1/2 hr.

EXAMINATION - TIME ALLOTTED 3 hrs.

DISCUSSION OF EXAMINATION QUESTIONS - TIME ALLOTTED 1/2 hr.

TOTAL TIME ALLOTTED FOR REVIEW AND EXAMINATION 4 hrs.

REVIEW: TELL LEARNERS TO ASK QUESTIONS CONCERNING ANY OF THE MATERIAL COVERED IN THE MANUAL.

EXAMINATION: INSTRUCT LEARNERS ON HOW TO TAKE THE EXAMINATION AS INDICATED ON FRONT PAGE OF EXAMINATION.
HAVE LEARNERS RE-POSITION THEMSELVES TO PROVIDE NECESSARY SPACE TO TAKE EXAMINATION.
EMPHASIZE READING QUESTIONS CAREFULLY.

DISCUSSION OF QUESTIONS: ALLOW LEARNERS TO ASK QUESTIONS PERTAINING TO EXAMINATION.

APPENDICES

APPENDIX I

THE BILL OF RIGHTS

Original Ten Amendments to the Constitution with Preamble

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. Freedom of Religion, Speech, and the Press; Right of Assembly and Petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II. Right to Keep and Bear Arms. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III. Quartering of Soldiers. No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. Right of Search and Seizure Regulated. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. Rights of the Accused in Criminal Proceedings. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI. Right to Speedy Trial, Witnesses, Etc. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

APPENDIX 1 (cont.)

ARTICLE VII. Right of Trial by Jury. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII. Protection Against Excessive Bail and Punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX. Rights Retained by the People. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X. Rights of States Under Constitution. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

APPENDIX 2

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....law enforcement.

APPENDIX 3

CANONS OF POLICE ETHICS

ARTICLE 1. PRIMARY RESPONSIBILITY OF JOB

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

ARTICLE 2. LIMITATIONS OF AUTHORITY

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state or federal, he must be aware of the limitations and proscriptions which the people, through the law, have placed upon him. He must recognize the genius of the American system of government which gives to no man, groups of men, or institution, absolute power, and he must insure that he, as a prime defender of that system, does not pervert its character.

ARTICLE 3. DUTY TO BE FAMILIAR WITH THE LAW AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

ARTICLE 4. UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must be honored by those who enforce it.

ARTICLE 5. COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

ARTICLE 6. PRIVATE CONDUCT

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

ARTICLE 7. CONDUCT TOWARD THE PUBLIC

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither over-bearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

ARTICLE 8. CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS

The law enforcement officer shall use his power of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

ARTICLE 9. GIFTS AND FAVORS

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

ARTICLE 10. PRESENTATION OF EVIDENCE

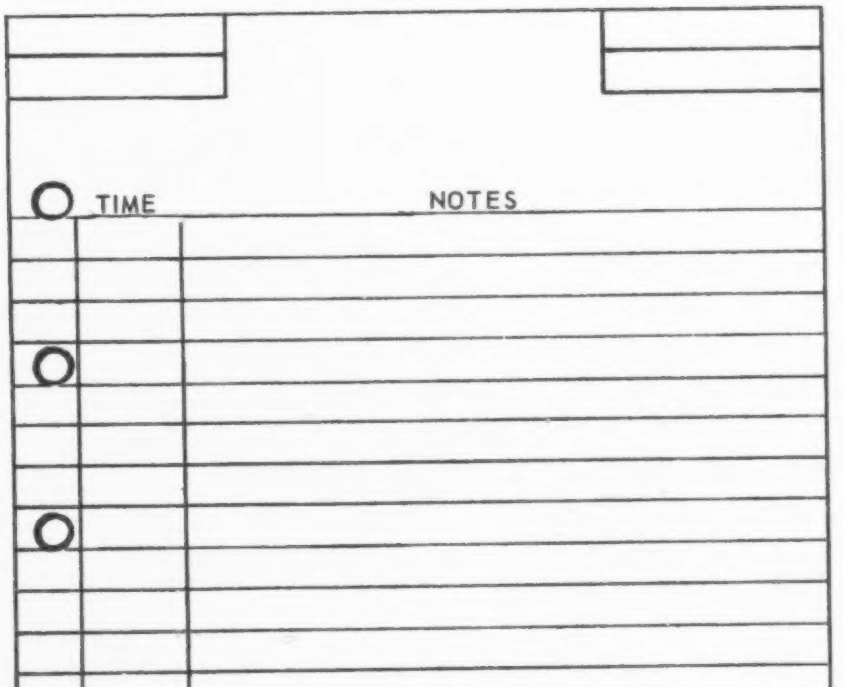
The law enforcement officer shall be concerned equally in the prosecution of the wrong-doer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of a case.

ARTICLE 11. ATTITUDE TOWARD PROFESSION

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, hold police work to be an honorable profession rendering valuable service to his community and his country.

APPENDIX 4



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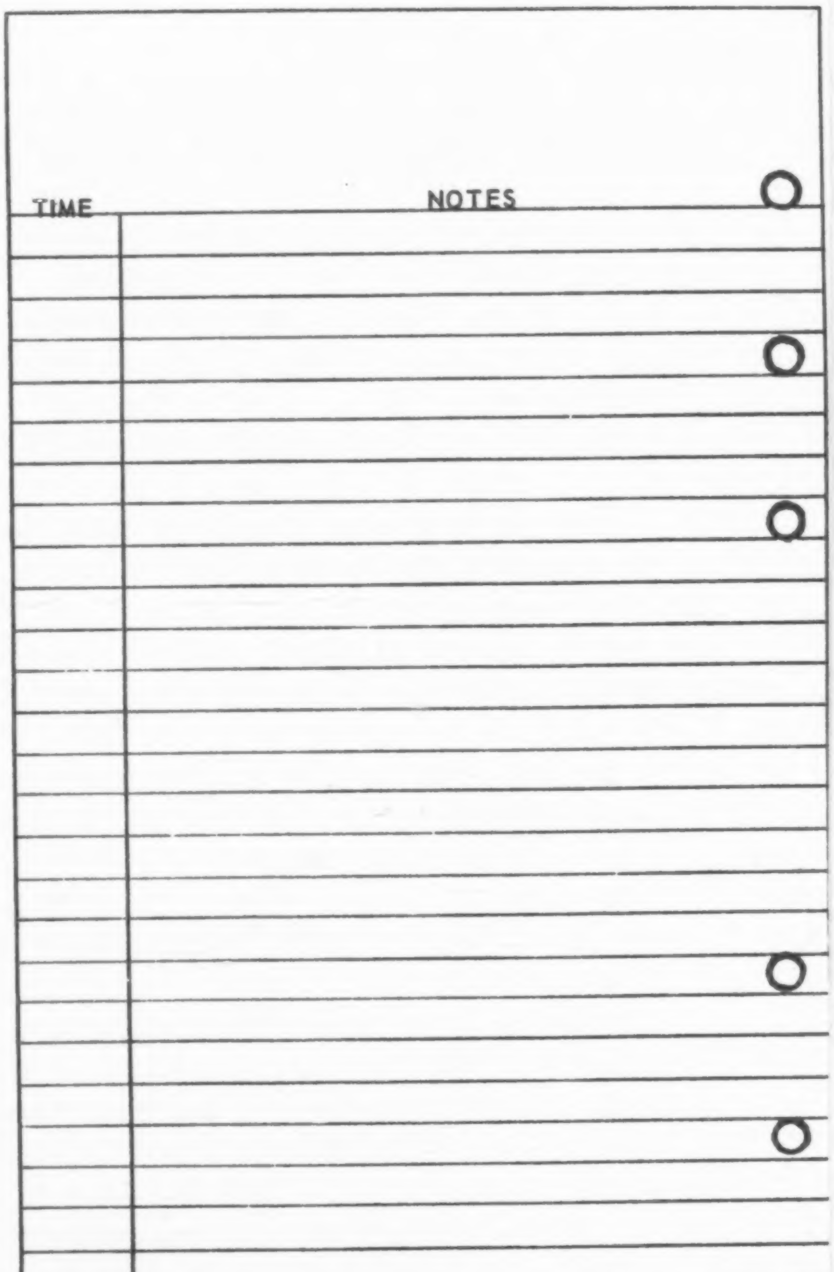
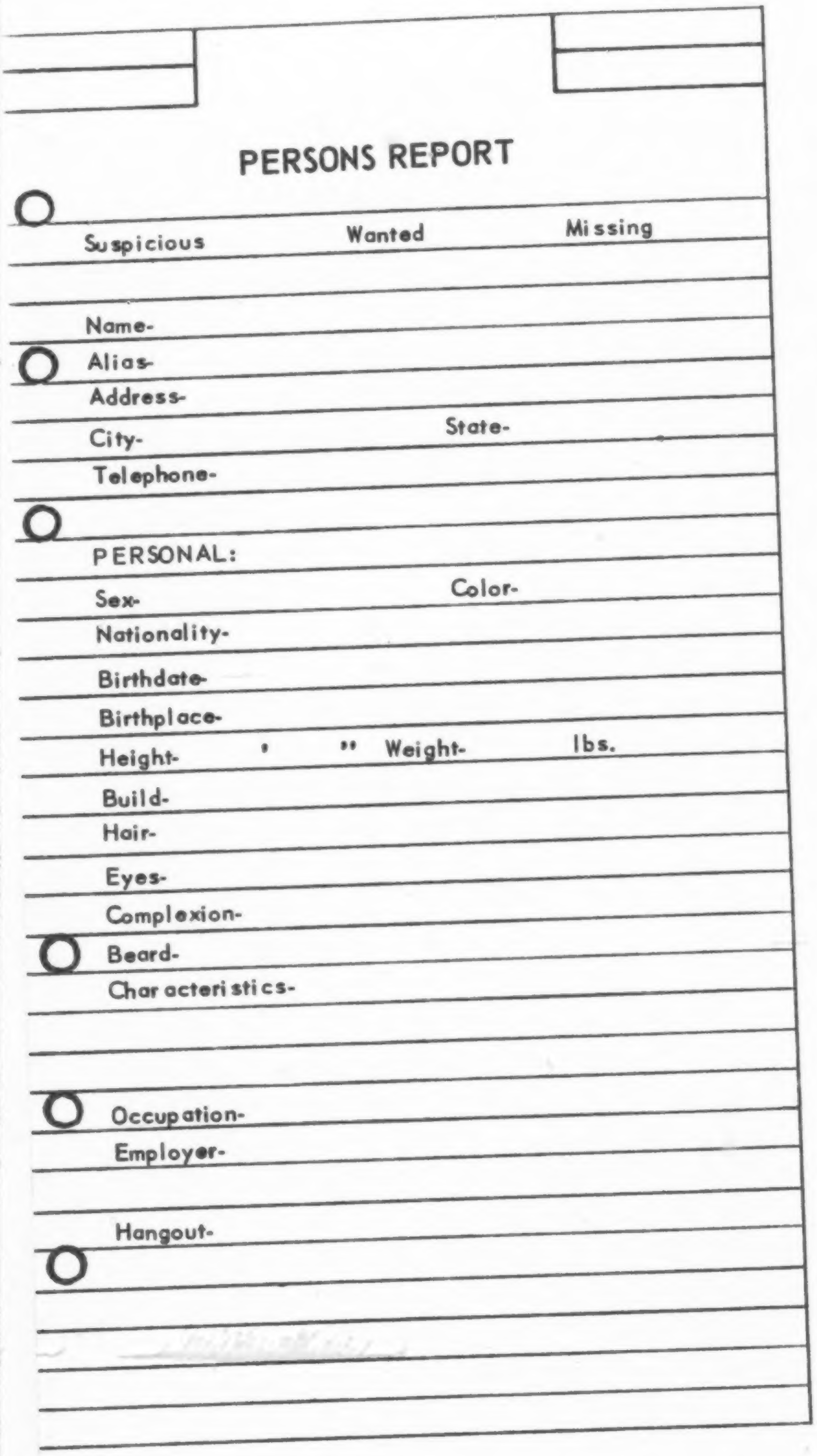


Back Side

FIELD NOTEBOOK LOG

APPENDIX 5



PERSONS REPORT

Suspicious Wanted Missing

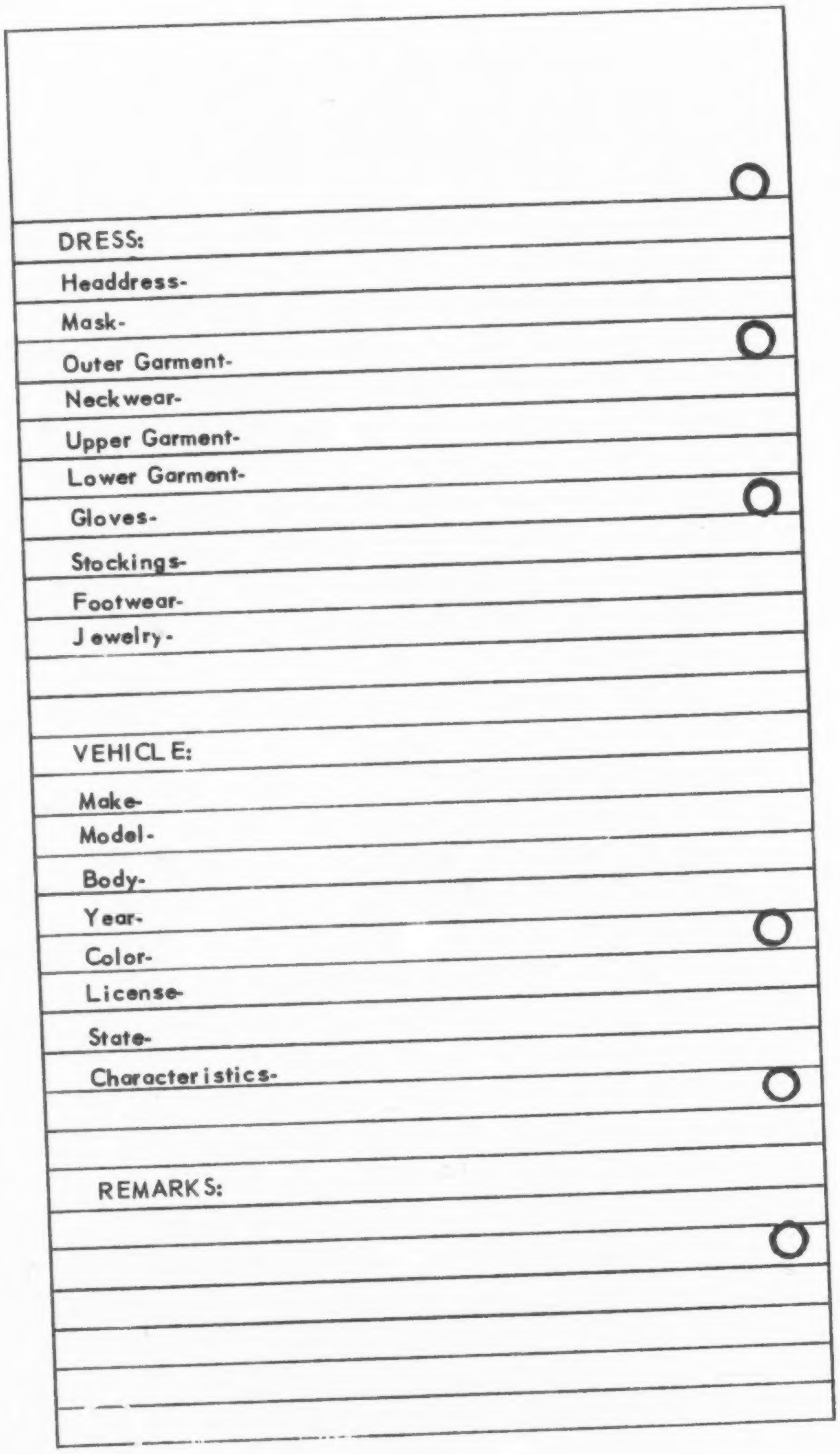
Name-
Alias-
Address-
City- State-
Telephone-

PERSONAL:
Sex- Color-
Nationality-
Birthdate-
Birthplace-
Height- ' " Weight- lbs.
Build-
Hair-
Eyes-
Complexion-
Beard-
Characteristics-

Occupation-
Employer-

Hangout-

Front Side



DRESS:
Headdress-
Mask-
Outer Garment-
Neckwear-
Upper Garment-
Lower Garment-
Gloves-
Stockings-
Footwear-
Jewelry-

VEHICLE:
Make-
Model-
Body-
Year-
Color-
License-
State-
Characteristics-

REMARKS:

Back Side

PERSONS REPORT

APPENDIX 6

*Armed ○ ○ ○ ○ ○ ○ # Felony

	A	B	C	D	E	F	G	H	I	J	K	L	M	
	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	

Front Side

WANTED VEHICLE LIST

APPENDIX 6 (cont.)

* Armed WANTED VEHICLE LIST # Felony

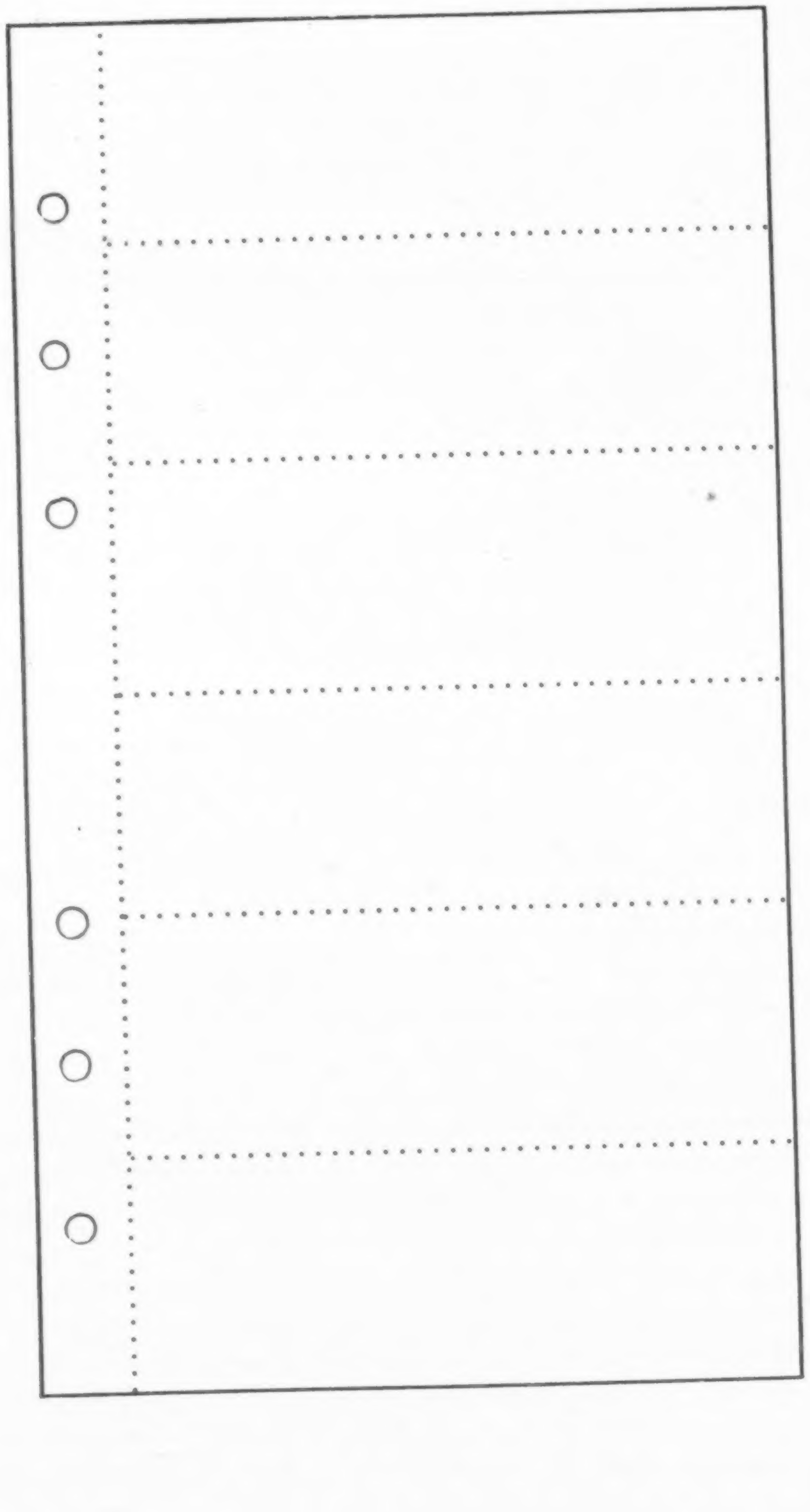
0	1	2	3	4

○ ○ ○ ○ ○ ○

*Armed ○ ○ ○ ○ ○ ○ # Felony

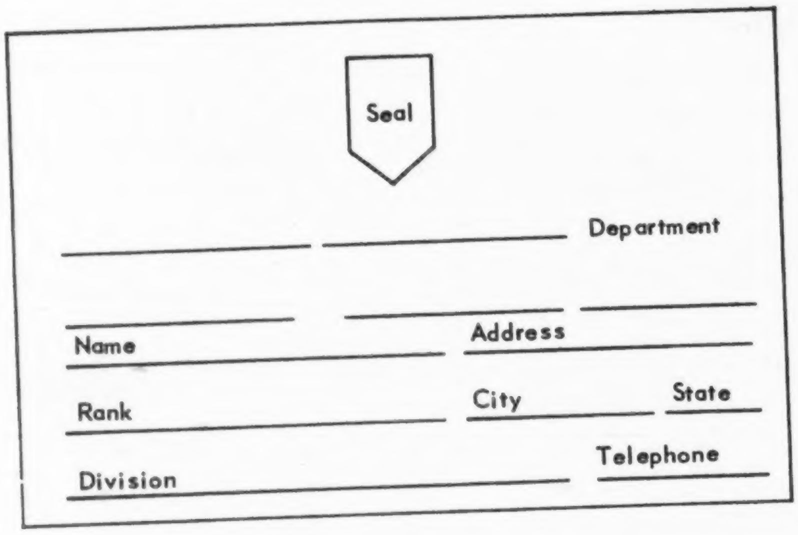
5	6	7	8	9

Back Sides
WANTED VEHICLE LIST



PERFORATED MEMO

APPENDIX 8



Seal

Department

Name

Address

Rank

City

State

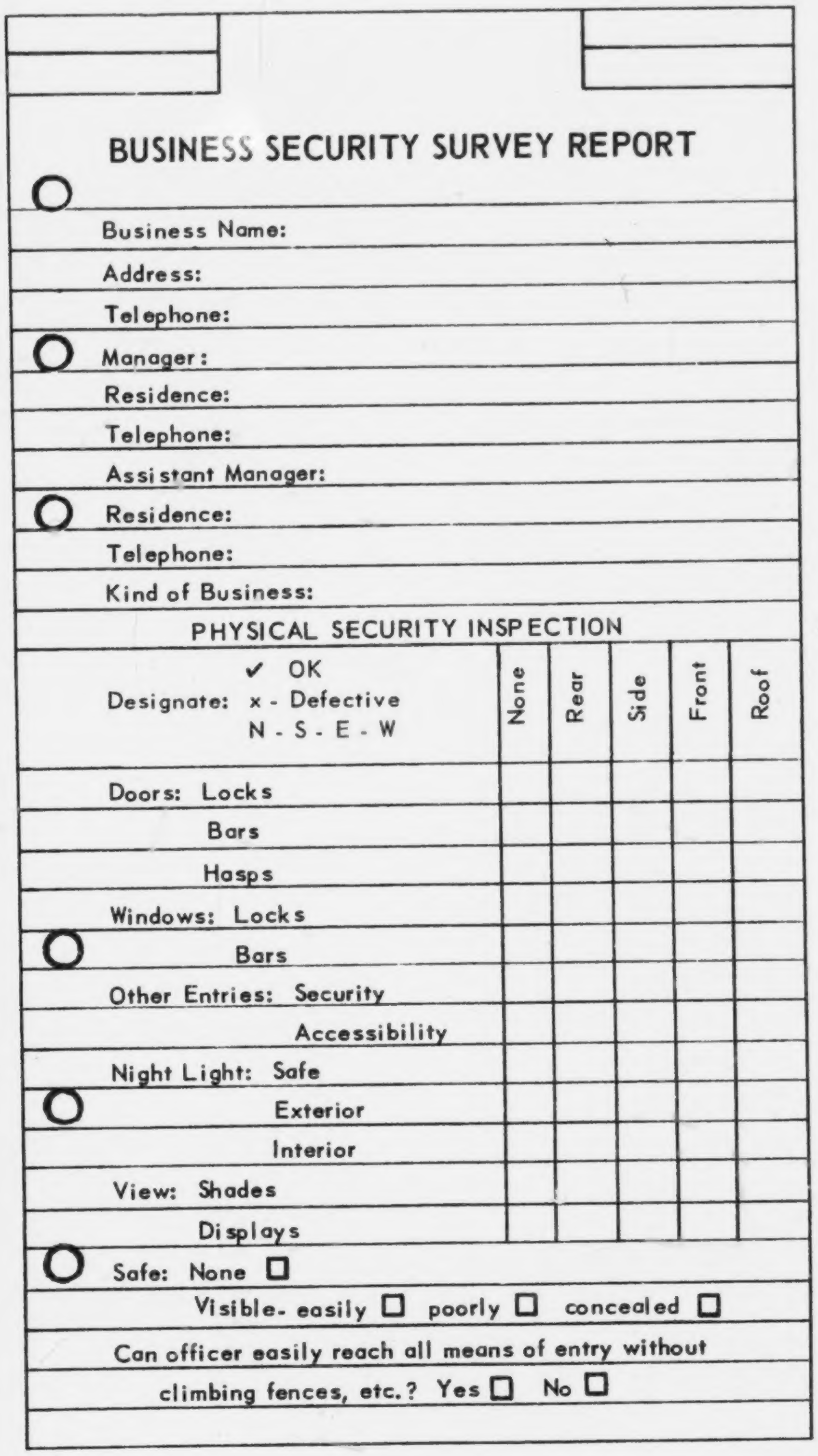
Division

Telephone

(Recommended size 2" x 3-1/2")

SAMPLE BUSINESS CARD

APPENDIX 9



BUSINESS SECURITY SURVEY REPORT

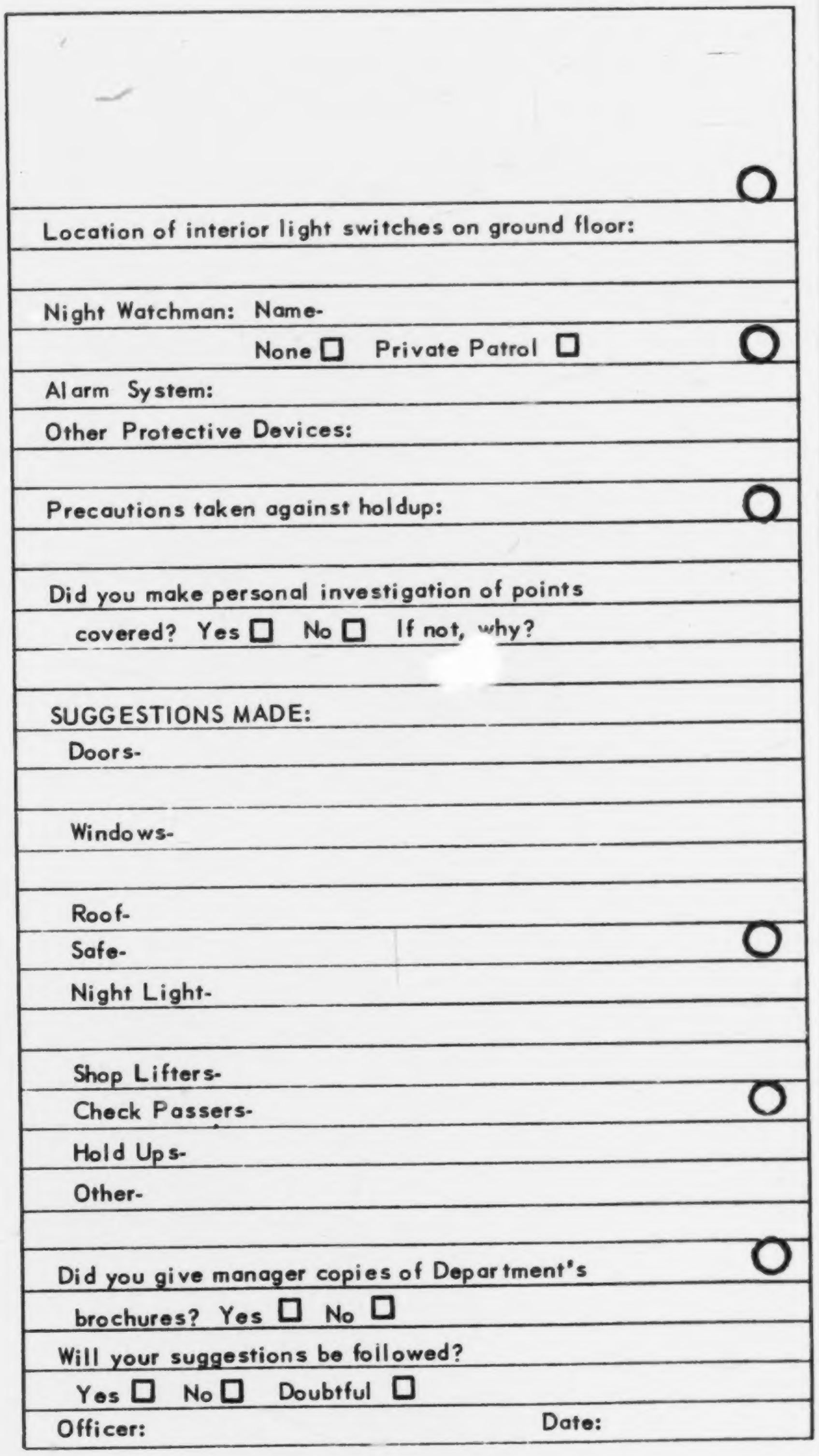
Business Name:
Address:
Telephone:
Manager:
Residence:
Telephone:
Assistant Manager:
Residence:
Telephone:
Kind of Business:

PHYSICAL SECURITY INSPECTION

Designate: ✓ OK x - Defective N - S - E - W	None	Rear	Side	Front	Roof
Doors: Locks					
Bars					
Hasps					
Windows: Locks					
Bars					
Other Entries: Security					
Accessibility					
Night Light: Safe					
Exterior					
Interior					
View: Shades					
Displays					

Safe: None ☐
Visible- easily ☐ poorly ☐ concealed ☐
Can officer easily reach all means of entry without climbing fences, etc.? Yes ☐ No ☐

Front Side



Location of interior light switches on ground floor:

Night Watchman: Name-
None ☐ Private Patrol ☐
Alarm System:
Other Protective Devices:

Precautions taken against holdup:

Did you make personal investigation of points covered? Yes ☐ No ☐ If not, why?

SUGGESTIONS MADE:
Doors-

Windows-

Roof-
Safe-
Night Light-

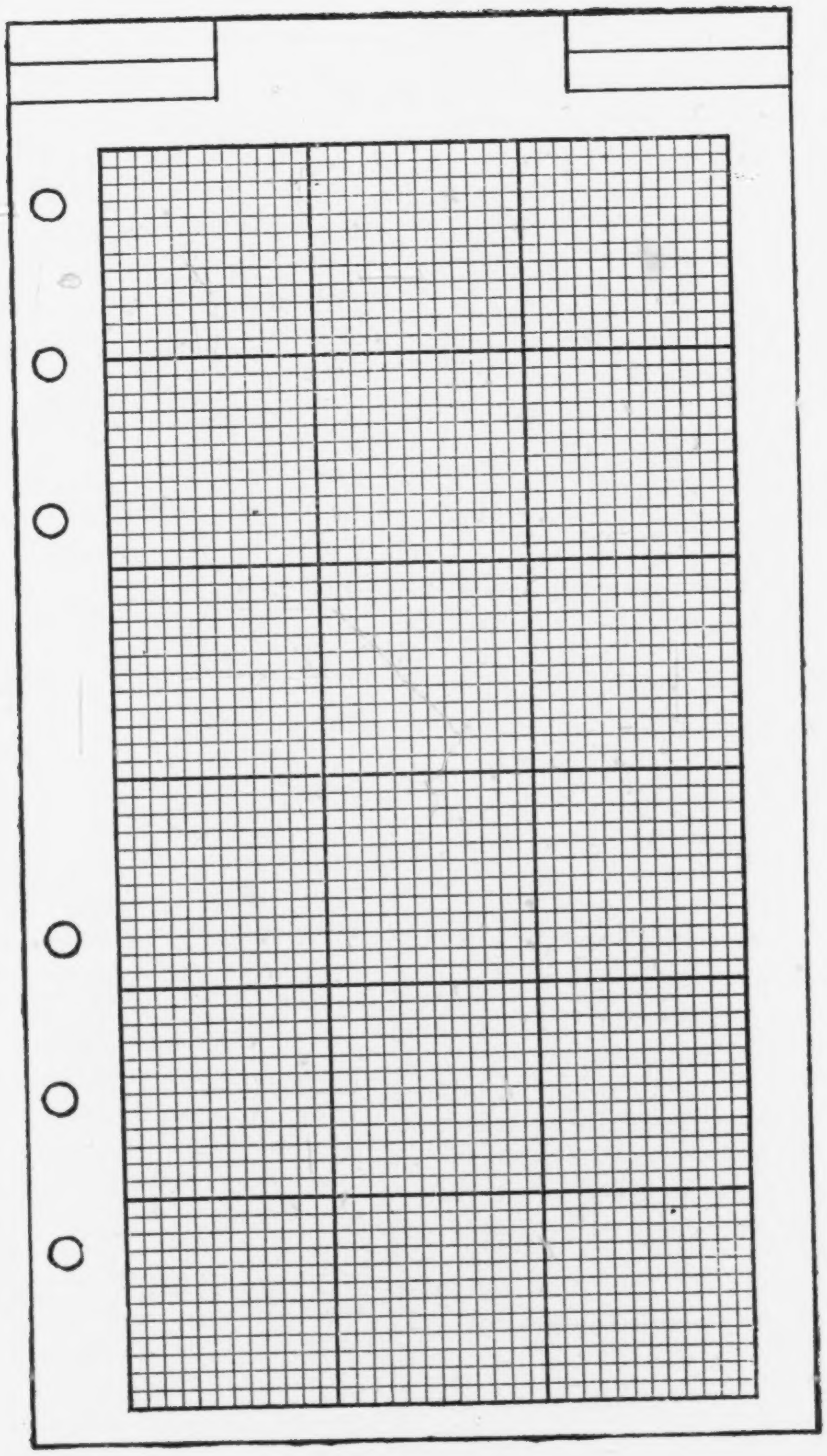
Shop Lifters-
Check Passers-
Hold Ups-
Other-

Did you give manager copies of Department's brochures? Yes ☐ No ☐
Will your suggestions be followed?
Yes ☐ No ☐ Doubtful ☐
Officer: Date:

Back Side

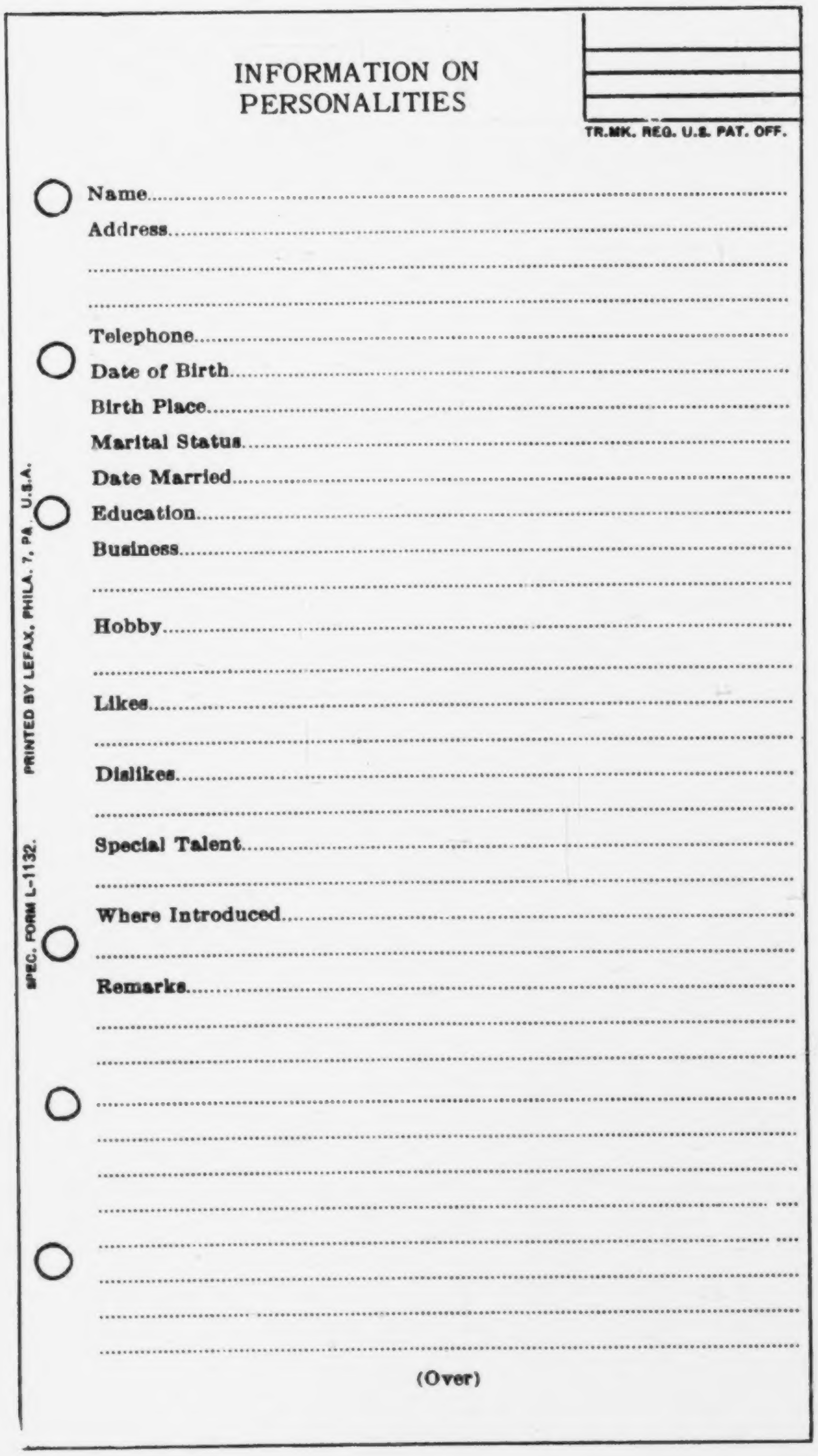
BUSINESS SECURITY SURVEY REPORT

APPENDIX 10



FIELD SKETCH SHEET

APPENDIX 11



INFORMATION ON PERSONALITIES

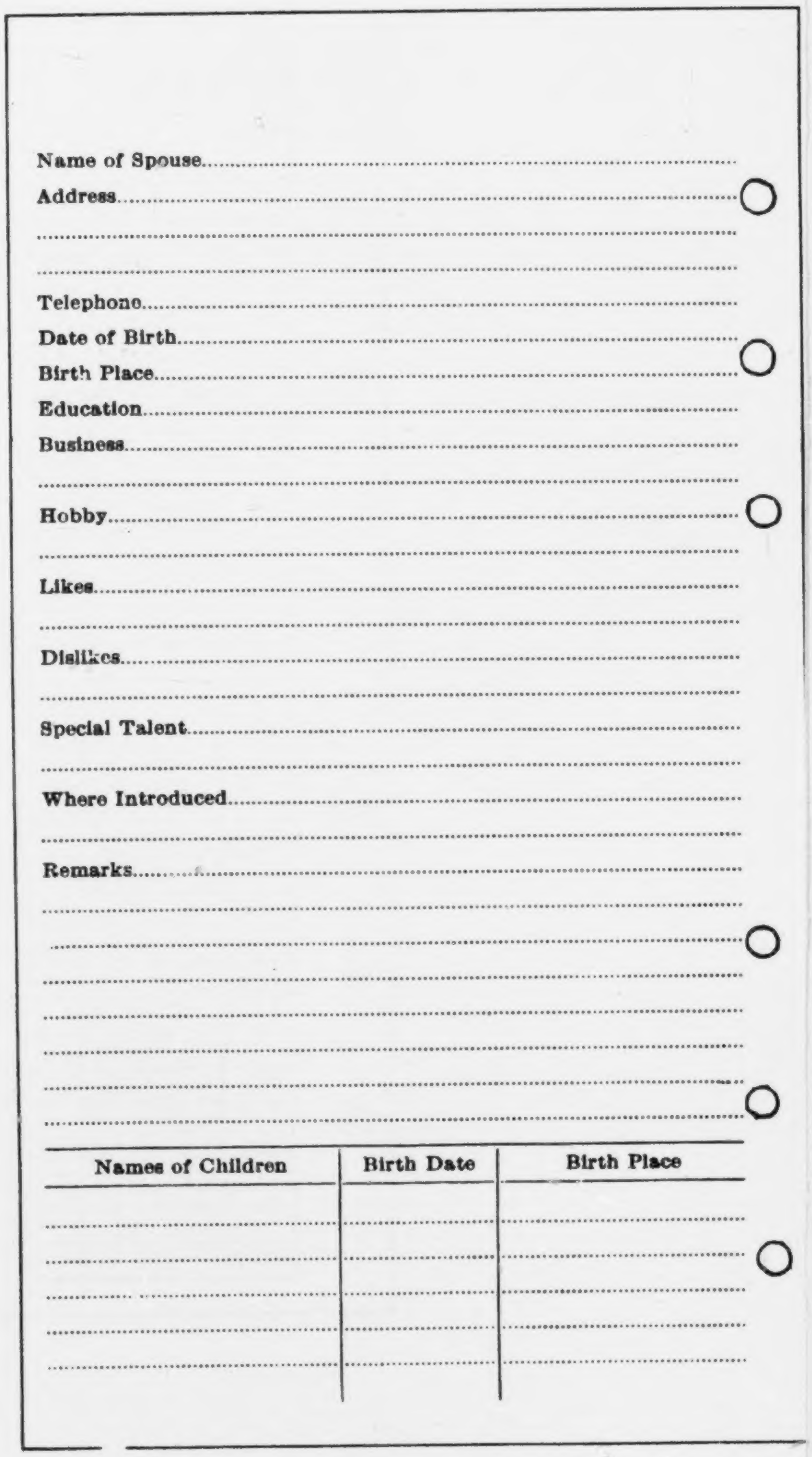
TR.MK. REG. U.S. PAT. OFF.

Name
Address
Telephone
Date of Birth
Birth Place
Marital Status
Date Married
Education
Business
Hobby
Likes
Dislikes
Special Talent
Where Introduced
Remarks

(Over)

SPEC. FORM L-1132. PRINTED BY LEFAX, PHILA. 7, PA U.S.A.

Front Side



Name of Spouse
Address
Telephone
Date of Birth
Birth Place
Education
Business
Hobby
Likes
Dislikes
Special Talent
Where Introduced
Remarks

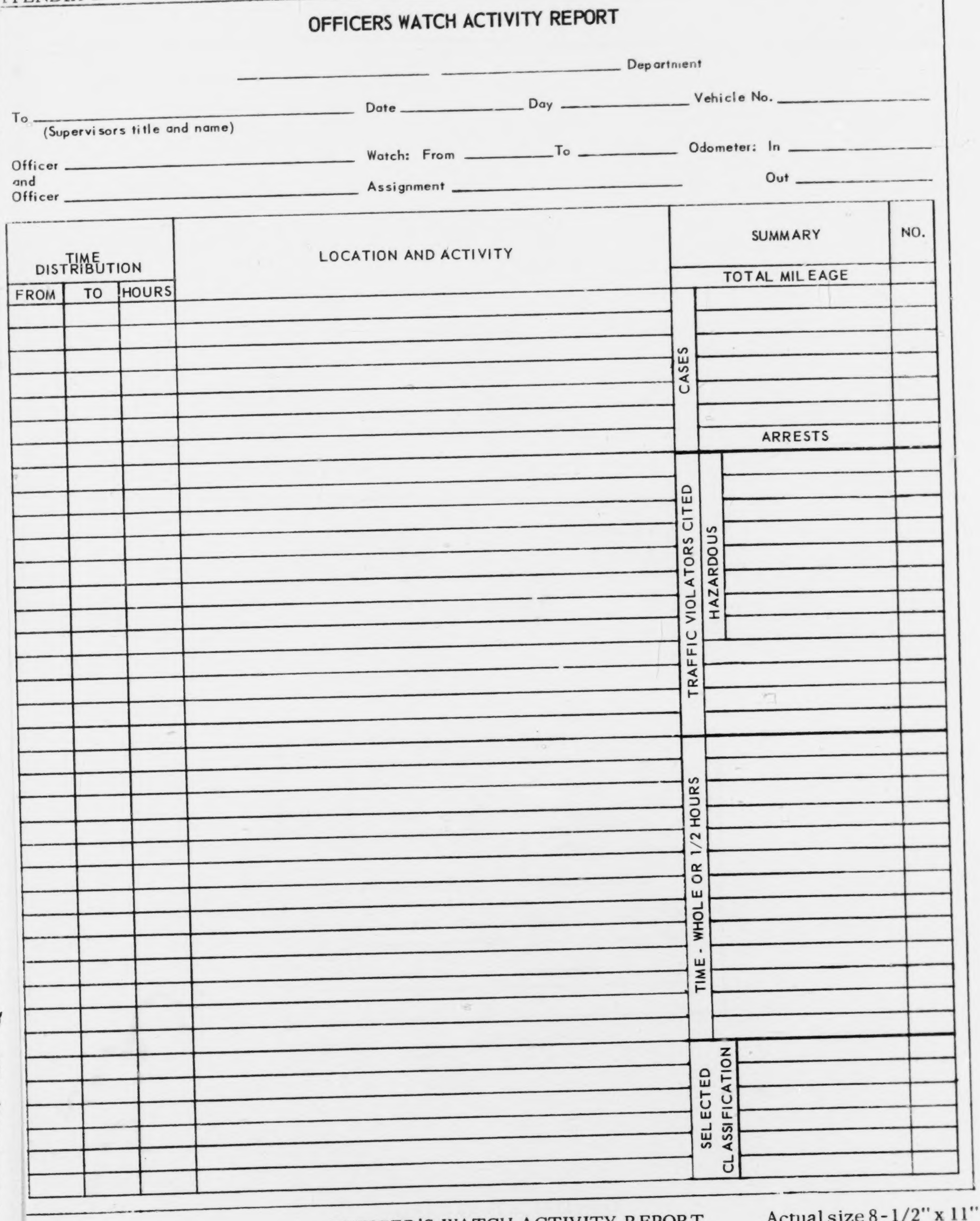
Names of Children	Birth Date	Birth Place

Back Side

Courtesy Lefax

INFORMATION ON PERSONALITIES

PPENDIX 12



OFFICERS WATCH ACTIVITY REPORT

______________ ______________ Department

To ______________ Date ________ Day ________ Vehicle No. ________
(Supervisors title and name)

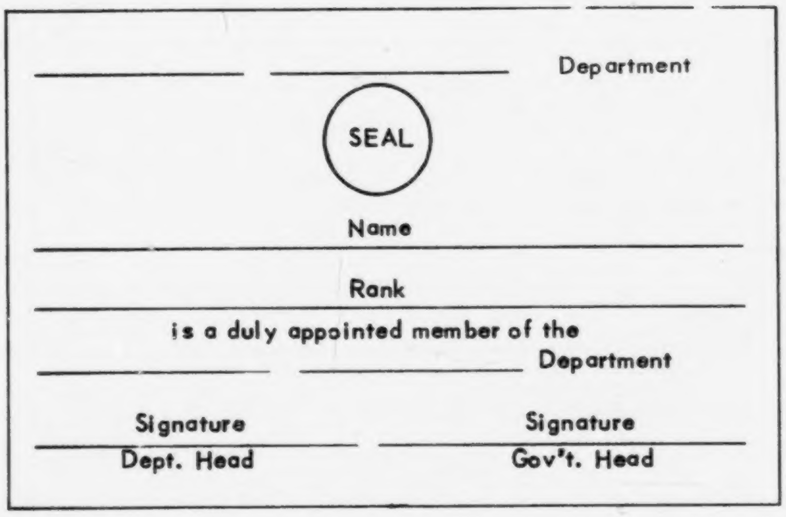
Officer ______________ Watch: From ________ To ________ Odometer: In ________
and
Officer ______________ Assignment ______________ Out ________

TIME DISTRIBUTION			LOCATION AND ACTIVITY
FROM	TO	HOURS	

SUMMARY		NO.
TOTAL MILEAGE		
CASES		
	ARRESTS	
TRAFFIC VIOLATORS CITED	HAZARDOUS	
TIME - WHOLE OR 1/2 HOURS		
SELECTED CLASSIFICATION		

OFFICER'S WATCH ACTIVITY REPORT Actual size 8-1/2" x 11"

APPENDIX 13



Department

SEAL

Name

Rank

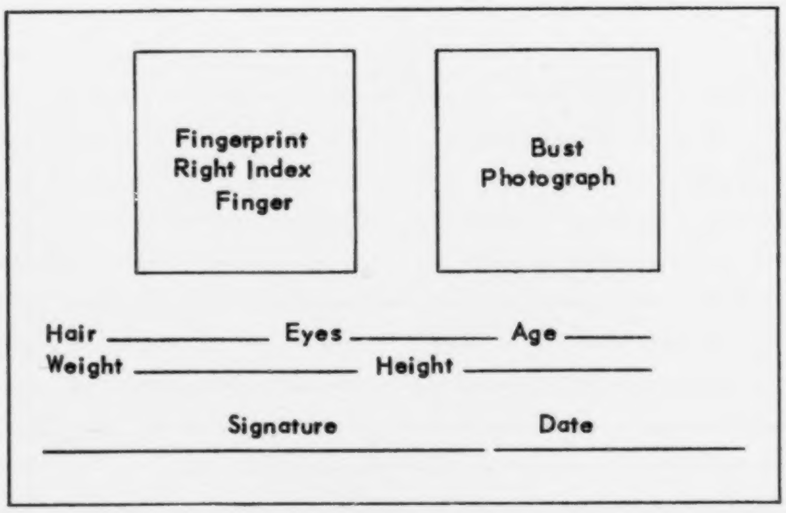
is a duly appointed member of the

Department

Signature
Dept. Head

Signature
Gov't. Head

Front Side



Fingerprint
Right Index
Finger

Bust
Photograph

Hair ____ Eyes ____ Age ____
Weight ____ Height ____

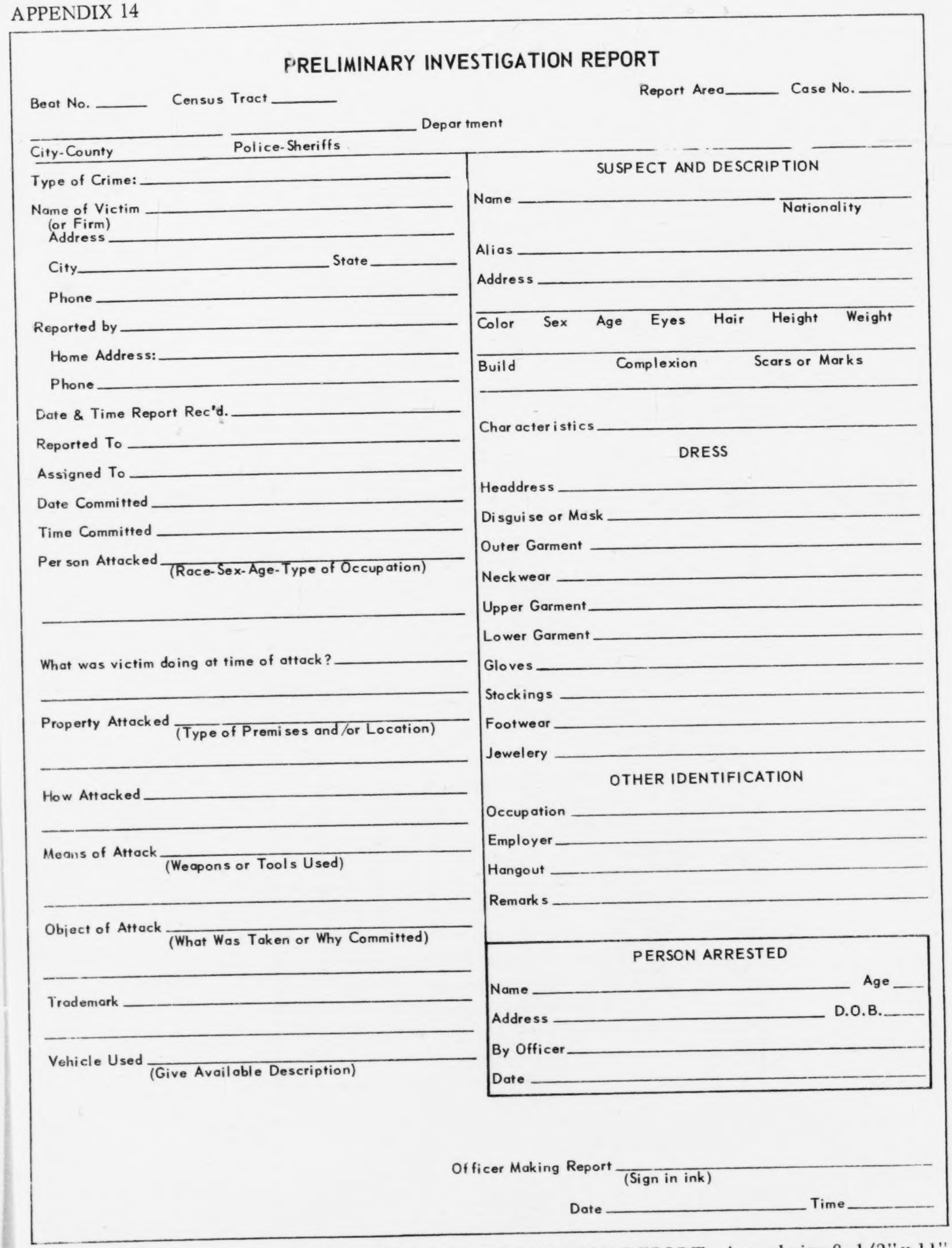
Signature

Date

Back Side

IDENTIFICATION CARD

APPENDIX 14



PRELIMINARY INVESTIGATION REPORT

Beat No. ______ Census Tract ________ Report Area______ Case No. ______

______________ ______________ Department

City-County Police-Sheriffs

Type of Crime: ______________

Name of Victim (or Firm) ______________

Address ______________

City______________ State ______

Phone ______________

Reported by ______________

Home Address: ______________

Phone ______________

Date & Time Report Rec'd. ______________

Reported To ______________

Assigned To ______________

Date Committed ______________

Time Committed ______________

Person Attacked ______________ (Race-Sex-Age-Type of Occupation)

____

What was victim doing at time of attack? ______________

____

Property Attacked ______________ (Type of Premises and/or Location)

____

How Attacked ______________

____

Means of Attack ______________ (Weapons or Tools Used)

____

Object of Attack ______________ (What Was Taken or Why Committed)

____

Trademark ______________

____

Vehicle Used ______________ (Give Available Description)

SUSPECT AND DESCRIPTION

Name ______________ ______ Nationality

Alias ______________

Address ______________

____

Color Sex Age Eyes Hair Height Weight

____

Build Complexion Scars or Marks

____

Characteristics ______________

DRESS

Headdress ______________

Disguise or Mask ______________

Outer Garment ______________

Neckwear ______________

Upper Garment ______________

Lower Garment ______________

Gloves ______________

Stockings ______________

Footwear ______________

Jewelery ______________

OTHER IDENTIFICATION

Occupation ______________

Employer ______________

Hangout ______________

Remarks ______________

PERSON ARRESTED

Name ______________ Age ____

Address ______________ D.O.B. ____

By Officer ______________

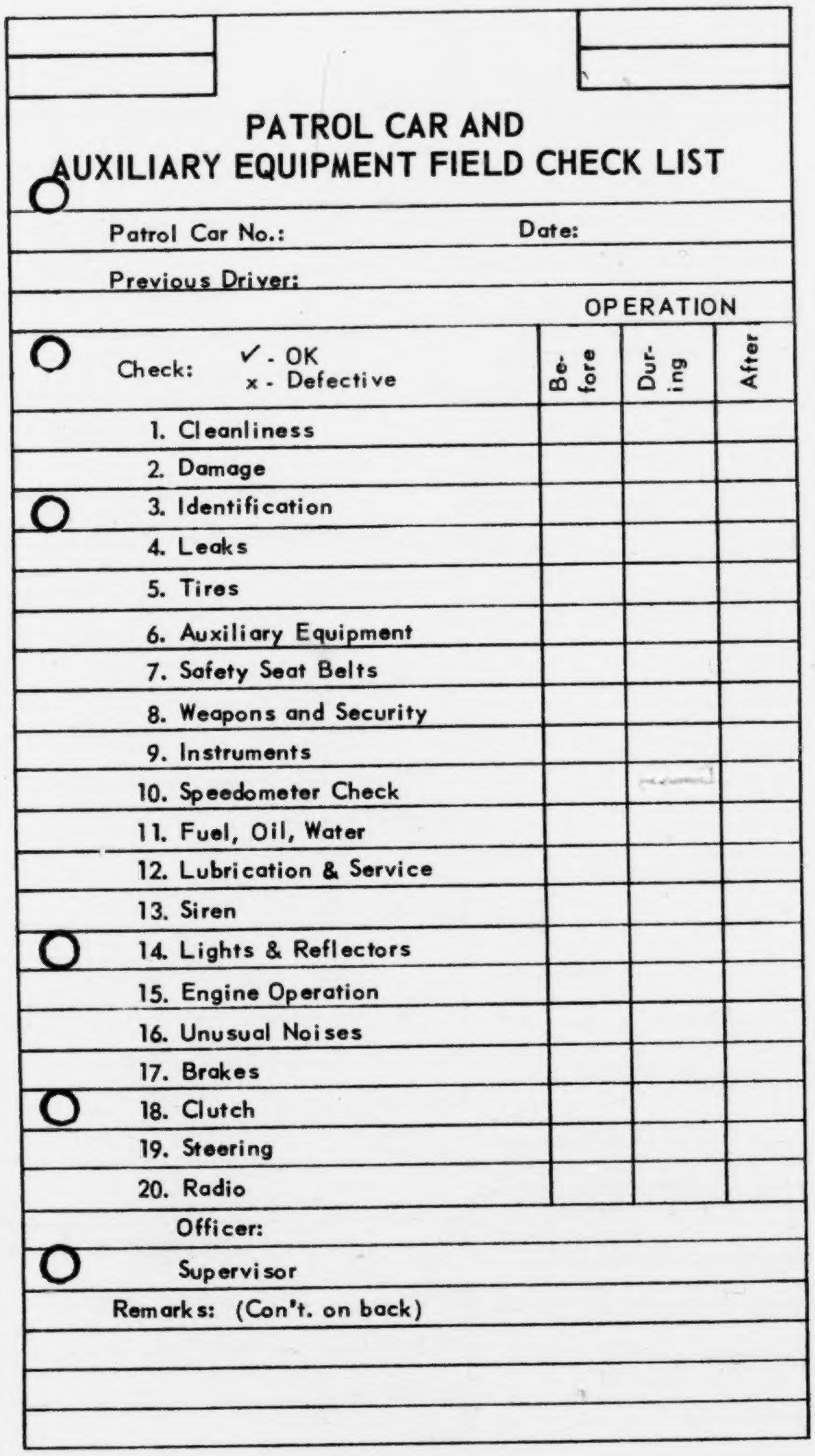
Date ______________

Officer Making Report ______________ (Sign in ink)

Date ______________ Time ______

PRELIMINARY INVESTIGATION REPORT Actual size 8-1/2" x 11"

APPENDIX 15



PATROL CAR AND AUXILIARY EQUIPMENT FIELD CHECK LIST

Patrol Car No.: Date:

Previous Driver:

Check: ✓ - OK x - Defective	OPERATION Be-fore	 Dur-ing	 After
1. Cleanliness			
2. Damage			
3. Identification			
4. Leaks			
5. Tires			
6. Auxiliary Equipment			
7. Safety Seat Belts			
8. Weapons and Security			
9. Instruments			
10. Speedometer Check			
11. Fuel, Oil, Water			
12. Lubrication & Service			
13. Siren			
14. Lights & Reflectors			
15. Engine Operation			
16. Unusual Noises			
17. Brakes			
18. Clutch			
19. Steering			
20. Radio			

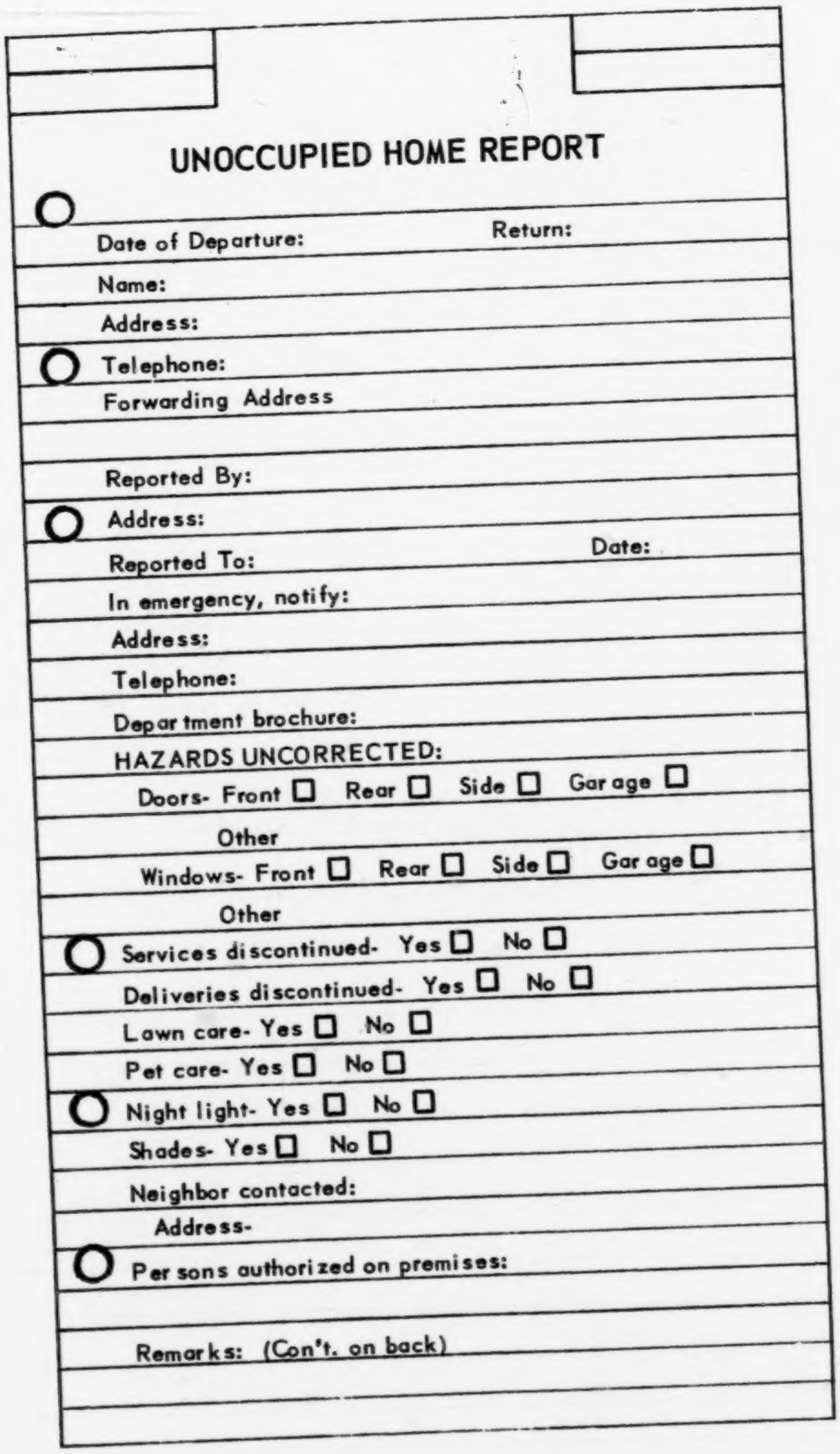
Officer:

Supervisor

Remarks: (Con't. on back)

PATROL CAR AND AUXILIARY EQUIPMENT FIELD CHECK LIST

APPENDIX 16



UNOCCUPIED HOME REPORT

○
Date of Departure: Return:
Name:
Address:
○ Telephone:
Forwarding Address

Reported By:
○ Address:
Reported To: Date:
In emergency, notify:
Address:
Telephone:
Department brochure:
HAZARDS UNCORRECTED:
Doors- Front ☐ Rear ☐ Side ☐ Garage ☐
Other
Windows- Front ☐ Rear ☐ Side ☐ Garage ☐
Other
○ Services discontinued- Yes ☐ No ☐
Deliveries discontinued- Yes ☐ No ☐
Lawn care- Yes ☐ No ☐
Pet care- Yes ☐ No ☐
○ Night light- Yes ☐ No ☐
Shades- Yes ☐ No ☐
Neighbor contacted:
Address-
○ Persons authorized on premises:

Remarks: (Con't. on back)

UNOCCUPIED HOME REPORT

APPENDIX 17

PROPERTY TAG NO.____________________ **CASE NO.**_______

Property: Evidence ☐ Found ☐ Personal ☐ Recovered ☐

Owner: ____

○ Address: ____

Claimed by: ____________________ Date: ______________

Address: ____

Method of Disposal: ________________________________

To: ____

Address: ____

Turned in by: ____________________________________

Turned in to: ____________________ Date: ________ Time: ________

--DETACH HERE--

PROPERTY RECORD CARD NO._____________ **CASE NO.**_______

Property: Evidence ☐ Found ☐ Personal ☐ Recovered ☐

Owner: ____

Address: ____

Claimed by: ____________________ Date: ______________

Address: ____

Method of Disposal: ________________________________

To: ____

Address: ____

Turned in by: ____________________________________

Turned in to: ____________________ Date: ________ Time: ________

Front Side

PROPERTY TAG

APPENDIX 17 (cont.)

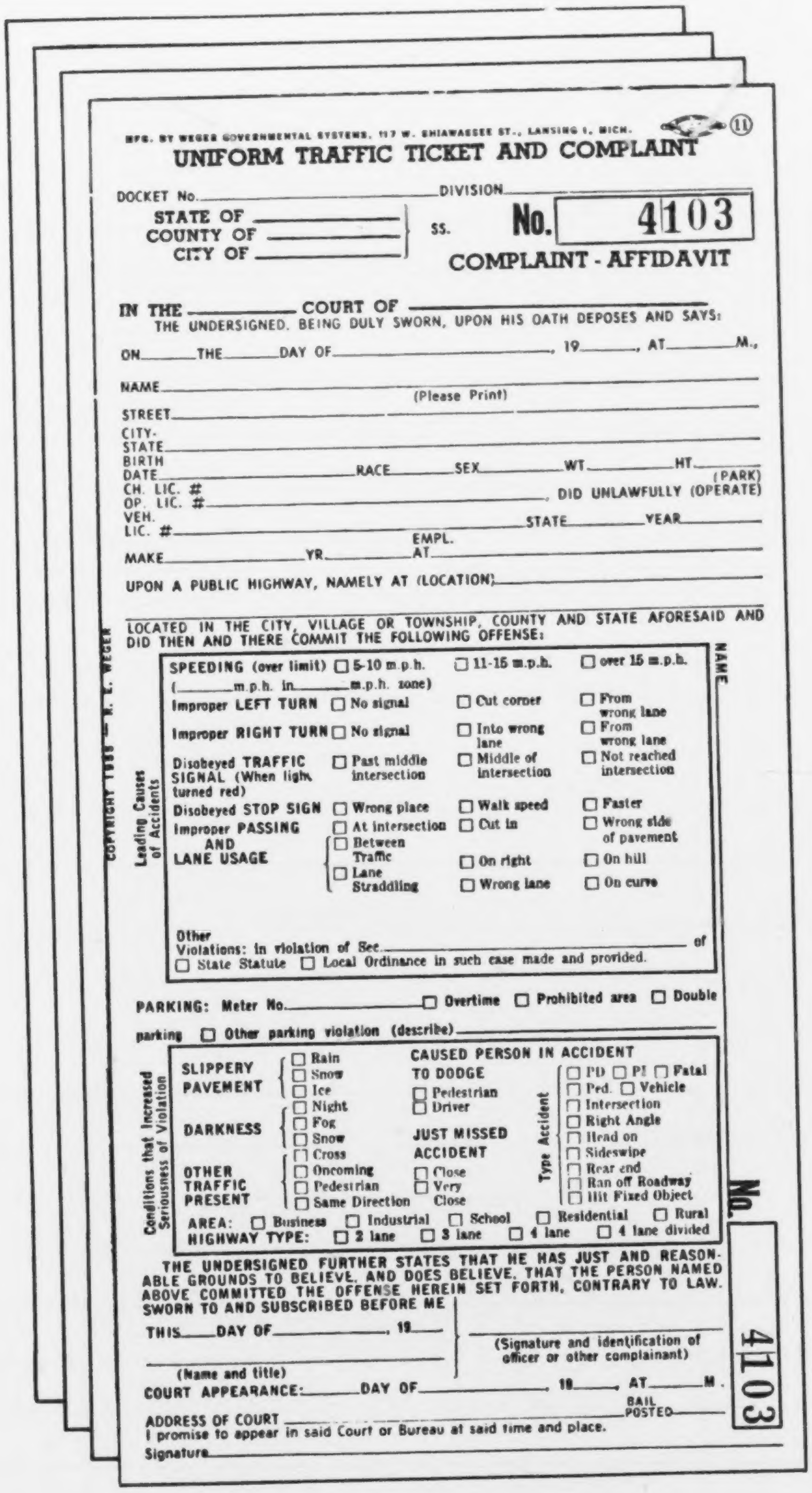
ITEM	QUANTITY	DESCRIPTION	STORED

ITEM	QUANTITY	DESCRIPTION	STORED

Back Side

PROPERTY TAG

APPENDIX 18



MFG. BY WEGER GOVERNMENTAL SYSTEMS, 117 W. SHIAWASSEE ST., LANSING 1, MICH. ⑪

UNIFORM TRAFFIC TICKET AND COMPLAINT

DOCKET No.__________ DIVISION__________

STATE OF __________
COUNTY OF __________ } SS.
CITY OF __________

No. 4103

COMPLAINT - AFFIDAVIT

IN THE __________ COURT OF __________

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

ON_____ THE_____ DAY OF__________, 19_____, AT_____ M.,

NAME__________ (Please Print)

STREET__________

CITY-STATE__________

BIRTH DATE__________ RACE_____ SEX_____ WT._____ HT._____

CH. LIC. # / OP. LIC. #__________, DID UNLAWFULLY (PARK) (OPERATE)

VEH. LIC. #__________ STATE_____ YEAR_____

MAKE__________ YR._____ EMPL. AT__________

UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION)__________

LOCATED IN THE CITY, VILLAGE OR TOWNSHIP, COUNTY AND STATE AFORESAID AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

COPYRIGHT 19[illegible] — R. E. WEGER

Leading Causes of Accidents

SPEEDING (over limit) (_____ m.p.h. in _____ m.p.h. zone)	☐ 5-10 m.p.h.	☐ 11-15 m.p.h.	☐ over 15 m.p.h.
Improper LEFT TURN	☐ No signal	☐ Cut corner	☐ From wrong lane
Improper RIGHT TURN	☐ No signal	☐ Into wrong lane	☐ From wrong lane
Disobeyed TRAFFIC SIGNAL (When light turned red)	☐ Past middle intersection	☐ Middle of intersection	☐ Not reached intersection
Disobeyed STOP SIGN	☐ Wrong place	☐ Walk speed	☐ Faster
Improper PASSING AND LANE USAGE	☐ At intersection	☐ Cut in	☐ Wrong side of pavement
	☐ Between Traffic	☐ On right	☐ On hill
	☐ Lane Straddling	☐ Wrong lane	☐ On curve

Other Violations: in violation of Sec.__________ of
☐ State Statute ☐ Local Ordinance in such case made and provided.

NAME

PARKING: Meter No.__________ ☐ Overtime ☐ Prohibited area ☐ Double parking ☐ Other parking violation (describe)__________

Conditions that Increased Seriousness of Violation

SLIPPERY PAVEMENT	☐ Rain ☐ Snow ☐ Ice	CAUSED PERSON IN ACCIDENT	Type Accident: ☐ PD ☐ PI ☐ Fatal ☐ Ped. ☐ Vehicle ☐ Intersection ☐ Right Angle ☐ Head on ☐ Sideswipe ☐ Rear end ☐ Ran off Roadway ☐ Hit Fixed Object
DARKNESS	☐ Night ☐ Fog ☐ Snow	TO DODGE ☐ Pedestrian ☐ Driver	
OTHER TRAFFIC PRESENT	☐ Cross ☐ Oncoming ☐ Pedestrian ☐ Same Direction	JUST MISSED ACCIDENT ☐ Close ☐ Very Close	

AREA: ☐ Business ☐ Industrial ☐ School ☐ Residential ☐ Rural
HIGHWAY TYPE: ☐ 2 lane ☐ 3 lane ☐ 4 lane ☐ 4 lane divided

THE UNDERSIGNED FURTHER STATES THAT HE HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS_____ DAY OF__________, 19_____
____
(Name and title)

____
(Signature and identification of officer or other complainant)

COURT APPEARANCE:_____ DAY OF__________, 19_____, AT_____ M.

ADDRESS OF COURT__________ BAIL POSTED_____

I promise to appear in said Court or Bureau at said time and place.

Signature__________

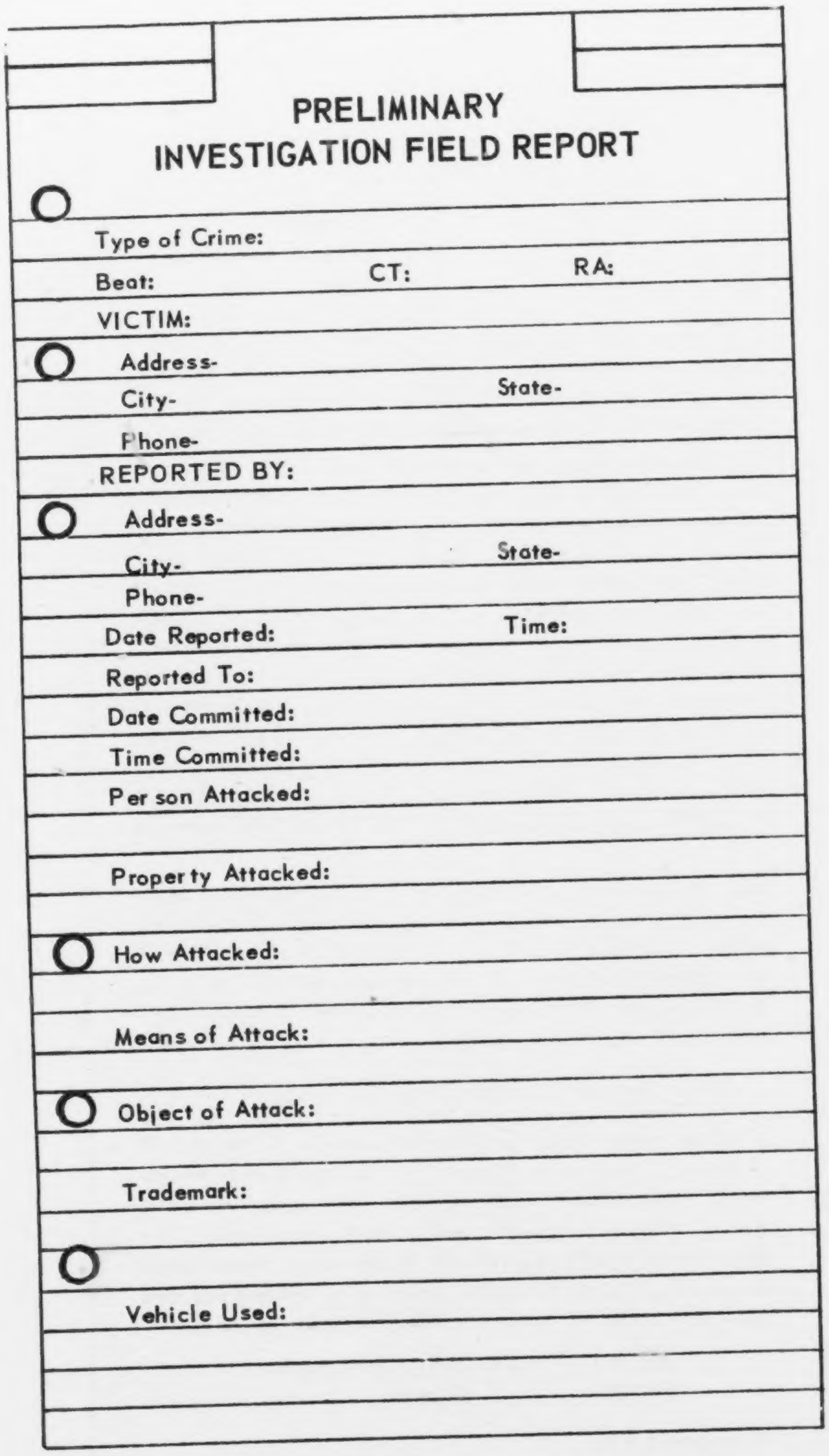
No. 4103

Courtesy American Bar Association

UNIFORM TRAFFIC TICKET AND COMPLAINT

Quadruplicate form Actual size 4-1/8" x 8"

APPENDIX 19



PRELIMINARY
INVESTIGATION FIELD REPORT

Type of Crime:

Beat: CT: RA:

VICTIM:

Address-

City- State-

Phone-

REPORTED BY:

Address-

City- State-

Phone-

Date Reported: Time:

Reported To:

Date Committed:

Time Committed:

Person Attacked:

Property Attacked:

How Attacked:

Means of Attack:

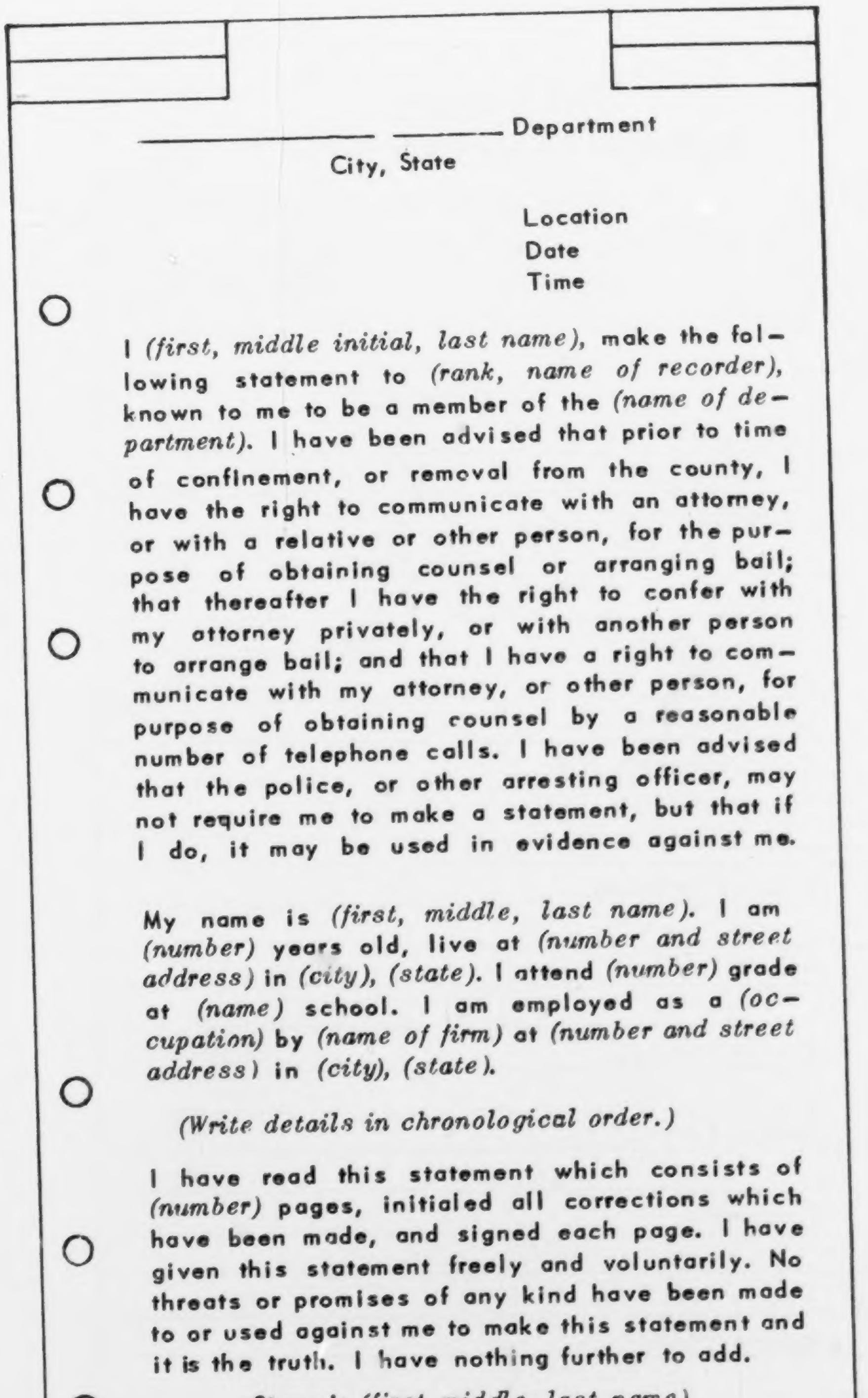
Object of Attack:

Trademark:

Vehicle Used:

PRELIMINARY INVESTIGATION FIELD REPORT

APPENDIX 20



______________ _______ Department
City, State

Location
Date
Time

I *(first, middle initial, last name)*, make the following statement to *(rank, name of recorder)*, known to me to be a member of the *(name of department)*. I have been advised that prior to time of confinement, or removal from the county, I have the right to communicate with an attorney, or with a relative or other person, for the purpose of obtaining counsel or arranging bail; that thereafter I have the right to confer with my attorney privately, or with another person to arrange bail; and that I have a right to communicate with my attorney, or other person, for purpose of obtaining counsel by a reasonable number of telephone calls. I have been advised that the police, or other arresting officer, may not require me to make a statement, but that if I do, it may be used in evidence against me.

My name is *(first, middle, last name)*. I am *(number)* years old, live at *(number and street address)* in *(city)*, *(state)*. I attend *(number)* grade at *(name)* school. I am employed as a *(occupation)* by *(name of firm)* at *(number and street address)* in *(city)*, *(state)*.

(Write details in chronological order.)

I have read this statement which consists of *(number)* pages, initialed all corrections which have been made, and signed each page. I have given this statement freely and voluntarily. No threats or promises of any kind have been made to or used against me to make this statement and it is the truth. I have nothing further to add.

Signed: *(first, middle, last name)*
Date: Time:

Witnessed by:
(Signed—first, middle initial, last name—rank)
(Two)

SAMPLE FORMAT FOR STATEMENT

APPENDIX 21

GUIDELINES FOR DETERMINING WHO, WHAT, WHY, WHERE, WHEN AND HOW

1. Who?

Who was the victim?
Who made the report?
Who discovered the crime?
Who saw or heard something of importance?
Who had a motive for committing the crime?
Who committed the crime?
Who helped him?
Who will sign the complaint?
Who was talked to?
Who worked on the case?
Who marked the evidence?
Who received the evidence?

2. What?

What was the nature of the crime committed?
What actions were taken by the suspect?
What happened?
What do the witnesses know about it?
What evidence was obtained?
What was done with the evidence?
What tools were used?
What action did the officer take?
What further action is needed?
What knowledge, skill, or strength was needed to commit the crime?
What other agencies were notified?
What was reported but did not occur?
What witnesses were not contacted?
What time was the crime committed?
What time was the crime reported?
What was the time of your arrival?
What time did you contact witnesses?

3. Where?

Where was the crime discovered?
Where was the crime committed?
Where were the tools or weapons obtained?
Where was the victim?
Where was the suspect seen?
Where was the witness?
Where did the criminal live?
Where did the criminal hang out?
Where is he now?

Where would he most likely go?
Where was he apprehended?
Where was the evidence marked?
Where was the evidence stored?

4. When?
   When was the crime committed?
   When was the crime discovered?
   When were the authorities notified?
   When did the authorities arrive at the scene?
   When was the guilty party arrested?
   When was the victim last seen?
   When did help arrive?
   When will the complaint be signed?

5. How?
   How was the crime committed?
   How did the criminal get to the scene?
   How did the criminal get away?
   How did the criminal obtain information in order to commit the crime?
   How was the crime discovered?
   How were the tools obtained?
   How did you get your information regarding the crime?
   How did you manage the arrest?

6. With What?
   With what tools was the crime committed?
   With what weapons was the crime committed?
   With what means did the criminal travel to and from the scene?

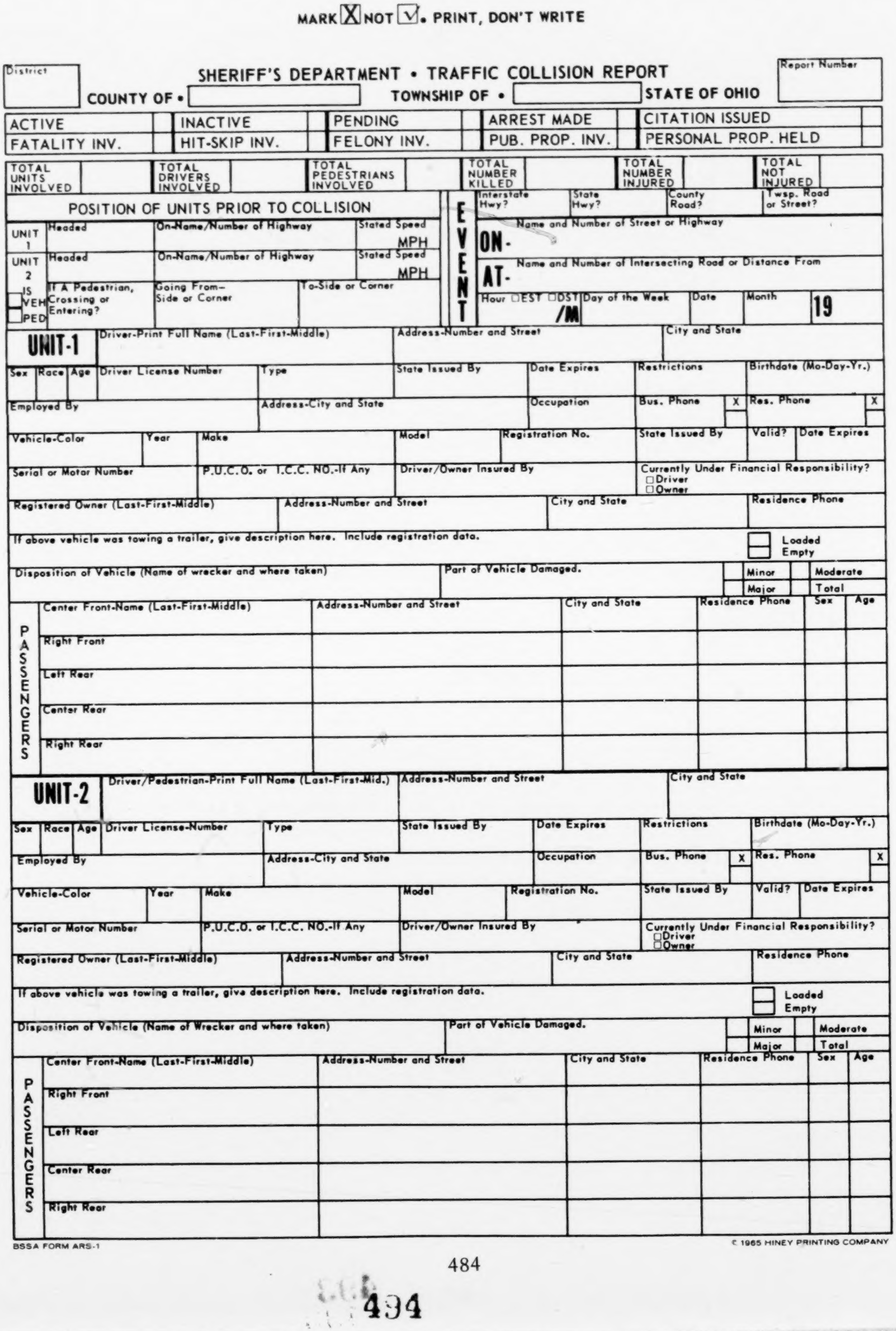
   a. Auto
   b. Bicycle
   c. Train
   d. Bus
   e. On foot
   f. etc.

   With what trade or profession are the tools associated?
   With what other crime is this crime associated?

7. Why?
   - Why was the crime committed?
   - Why were the tools used?
   - Why were certain weapons used?
   - Why was the crime reported?
   - Why were witnesses reluctant to talk?
   - Why was the witness anxious to point out guilty parties?
   - Why so much time before the crime was reported?
   - Why did the criminal use a certain MO of entry?

8. With Whom?
   - With whom did the criminal associate?
   - With whom was the victim last seen?
   - With whom are the witnesses connected?
   - With whom did the criminal commit the crime?
   - With whom did you talk at the scene and at other places?
   - With whom did you work on the investigation?
   - With whom did you expect to locate the suspect?

9. How Much?
   - How much damage was done?
   - How much property was taken?
   - How much knowledge was necessary to commit the crime?
   - How much money was taken (denominations)?
   - How much did the victim claim was stolen?
   - How much trouble was it to carry the property away?
   - How much information are the witnesses not giving out?
   - How much is the victim withholding?
   - How much additional information do you need to help solve the crime?



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District

SHERIFF'S DEPARTMENT • TRAFFIC COLLISION REPORT

Report Number

COUNTY OF • ☐ TOWNSHIP OF • ☐ STATE OF OHIO

ACTIVE	☐	INACTIVE	☐	PENDING	☐	ARREST MADE	☐	CITATION ISSUED	☐
FATALITY INV.	☐	HIT-SKIP INV.	☐	FELONY INV.	☐	PUB. PROP. INV.	☐	PERSONAL PROP. HELD	☐

TOTAL UNITS INVOLVED		TOTAL DRIVERS INVOLVED		TOTAL PEDESTRIANS INVOLVED		TOTAL NUMBER KILLED		TOTAL NUMBER INJURED		TOTAL NOT INJURED	

POSITION OF UNITS PRIOR TO COLLISION

UNIT 1	Headed	On-Name/Number of Highway	Stated Speed MPH
UNIT 2	Headed	On-Name/Number of Highway	Stated Speed MPH
IS ☐ VEH ☐ PED	If A Pedestrian, Crossing or Entering?	Going From— Side or Corner	To-Side or Corner

EVENT

Interstate Hwy?	State Hwy?	County Road?	Twsp. Road or Street?

ON- Name and Number of Street or Highway

AT- Name and Number of Intersecting Road or Distance From

Hour ☐EST ☐DST /M	Day of the Week	Date	Month	19

UNIT-1

Driver-Print Full Name (Last-First-Middle)		Address-Number and Street		City and State	
Sex / Race / Age	Driver License Number	Type	State Issued By	Date Expires	Restrictions / Birthdate (Mo-Day-Yr.)
Employed By	Address-City and State		Occupation	Bus. Phone X	Res. Phone X
Vehicle-Color / Year	Make	Model	Registration No.	State Issued By	Valid? / Date Expires
Serial or Motor Number	P.U.C.O. or I.C.C. NO.-If Any	Driver/Owner Insured By		Currently Under Financial Responsibility? ☐Driver ☐Owner	
Registered Owner (Last-First-Middle)	Address-Number and Street		City and State	Residence Phone	
If above vehicle was towing a trailer, give description here. Include registration data.				☐ Loaded ☐ Empty	
Disposition of Vehicle (Name of wrecker and where taken)		Part of Vehicle Damaged.		Minor / Major	Moderate / Total

PASSENGERS

Center Front-Name (Last-First-Middle)	Address-Number and Street	City and State	Residence Phone	Sex	Age
Right Front					
Left Rear					
Center Rear					
Right Rear					

UNIT-2

Driver/Pedestrian-Print Full Name (Last-First-Mid.)		Address-Number and Street		City and State	
Sex / Race / Age	Driver License-Number	Type	State Issued By	Date Expires	Restrictions / Birthdate (Mo-Day-Yr.)
Employed By	Address-City and State		Occupation	Bus. Phone X	Res. Phone X
Vehicle-Color / Year	Make	Model	Registration No.	State Issued By	Valid? / Date Expires
Serial or Motor Number	P.U.C.O. or I.C.C. NO.-If Any	Driver/Owner Insured By		Currently Under Financial Responsibility? ☐Driver ☐Owner	
Registered Owner (Last-First-Middle)	Address-Number and Street		City and State	Residence Phone	
If above vehicle was towing a trailer, give description here. Include registration data.				☐ Loaded ☐ Empty	
Disposition of Vehicle (Name of Wrecker and where taken)		Part of Vehicle Damaged.		Minor / Major	Moderate / Total

PASSENGERS

Center Front-Name (Last-First-Middle)	Address-Number and Street	City and State	Residence Phone	Sex	Age
Right Front					
Left Rear					
Center Rear					
Right Rear					

BSSA FORM ARS-1

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APPENDIX 22(cont)

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Property Damaged	Nature of Damage	Owner–Name and Address

NOTE- The catagories of injuries follow the Manual of Uniform Definitions of Motor Vehicle Accidents.
K–Deceased before report completed. A–Bleeding wound, distorted member, carried from scene.
B–Other visible injuries such as bruises, abrasions, swelling, or limping. C–Complaint of Pain without visible injury.

INJURED WAS			IN VEHICLE		Sex	Age	Ext. Of Injury				FIRST AID BY	TAKEN BY	TAKEN TO	PHYSICIAN ATT.
Driv.	Pass.	Ped.	No.	Place			K	A	B	C				

1 2 KIND OF ROAD
- One-way Road or Alley
- One Lane Each Direction
- Two Lanes Each Directn.
- Three or More Lanes
- Divided Road–Any Width
- Freeway-Interstate
- Unpaved–Any Type

WEATHER
- Clear
- Cloudy
- Raining
- Snowing
- Fog

Other-

ROAD SURFACE
- Dry
- Wet
- Snow Covered
- Ice Covered
- Slippery–Other

Other-

LIGHTING
- Daylight
- Dawn
- Dusk
- Dark–No Illumination
- Dark--Illuminated

Other-

ROAD DEFECTS
- Holes–Deep Ruts
- Loose Material on Road
- Obstruction
- Construction–Repair
- Reduced Road Width

Other-

LOCALE
- Manufacturing-Industrial
- Shopping–Business
- Residential
- School–Playground
- Not Developed–Open

Other-

ROAD CONTOUR
- Level
- On Grade-up
- On Grade-down
- Hill Crest
- Straight
- Curve
- Sharp Curve
- Merging Lanes
- Bridge
- Tunnel
- Cloverleaf Ramp

TYPE COLLISION
Motor Vehicle And:
- Other Motor Vehicles
- Pedestrian
- Railroad Train
- Animal
- Bicycle
- Fixed Object
- Other Object
- Overturned-Road
- Ran Off Road
- Other Non-collision

TRAFFIC CONTROL
- No Control Present
- 2-Phase Signal
- 3-Phase Signal
- Flashing Signal
- R.R. Gates-Signals
- Police Officer
- School Patrol Guard
- Stop Sign
- Yield Sign

Other-

PEDESTRIAN ACTIONS
- Crossing at Signalized I/S
- Crossing at I/S-No Signal
- Crossing-Not at I/S
- Walking in Road-With Traffic
- Walking in Road-Against
- Standing in Road
- Working-Playing in Road
- Other-In Road
- Getting On-off Vehicle
- Not in Road
- In Violation
- No Violation

1 2 PHYSICAL CONDITIONS
- Had Been Drinking-Obviously Intoxicated
- Had Been Drinking-Ability Impaired
- Had Been Drinking-Ability Not Impaired
- Had Not Been Drinking
- Sobriety Unknown
- Illness-Sudden While Driving
- Fatigue-Fell Asleep at Wheel
- Disability-Arms, Legs, Hands or Feet
- Eye Sight-Poor

Other-

1 2 PRIMARY
- Exceeded Stated Speed
- Exceeded Safe Speed
- Driving While Intoxicated
- Failed to Yield Rgt.-of-way
- Failed to Stop at Stop Sign
- Failed to Obey Traffic Lgt
- Made Improper Turn
- Failed to Signal
- Drove Wrong Way
- Left of Center

1 2 CAUSE
- Followed too Closely
- Unsafe Passing
- Improper Lane Change
- Improper Parking
- Defective Vehicle
- Reckless Operation
- Inadequate Lights
- Inadequate Brakes

Other-

1 2 OTHER
- Registration Imp.
- OL Improper
- False Information
- Driv. Under Susp.
- Driv. Under Revoc.
- Hit and Run
- Trf. Manslaughter
- Towing Rules
- Loading Rules
- Weight Rules

1 2 VIOLATIONS
- Length Rules
- Obscured Plates
- School Bus Vio.
- Drag-Racing
- Other Violations
- Unknown-If Any
- Used in Felony
- No Violations

Other-

UNIT 1				UNIT 2				SEAT BELTS
LF	RF	LR	RR	LF	RF	LR	RR	
								None Installed
								Anchors Only
								Not Fastened
								Fastened-Snug
								Fastened-Loose
								Two Under One Belt
								Failed-Webbing
								Failed-Buckle
								Failed-Anchors
								Trapped by Belts

• COLLISION CAUSE DUE TO • ☐ USER ☐ VEHICLE ☐ ROADWAY OR STREET

DESCRIBE WHAT HAPPENED • REFER TO UNITS BY NUMBER

REPORT MADE BY (Rank and Name)	Badge	Shift	Assignment	District Assigned	Report Made At
Time Received	Time Dispatched	Time Arrived	Time Cleared	Total Time Expended	Assisted By

ENF	Print Full Name (Last-First-Middle)	Charge and Section Number	Citation Arrest Warrant	Number
			Citation Arrest Warrant	
			Citation Arrest Warrant	

Supervisor Approving Report	Rank	Date	TRF	Tabulated by	RD No.	Case File No.	Date Opened
REC Record Clerk	Date Received	Carded		Other			
BMV Acc. Nr.	Co. Name	Code		Pouch No.			Report Number

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WITNESSES Name	Sex	Age	Address	Res. Phone	Bus. Phone	Statement?

☐	MARK ALL APPLICABLE BOXES	1	2	3
VEHICLE CONDITION	Mechanical Failure of Steering			
	Inadequate Brakes or Mechanical Failure			
	Power Failure			
	Tire Failure–Blow Out Before Collision			
	Coupling or Trailer Hitch Failure			
	Headlight Failure–Broken or Burnt Out			
	Tail Light Failure			
	Stop Light Failure			
	Dimensions Too Great			
	Load Fell Off, Shifted, or Projected			
	Load Obstructed View			
	Load Distracted Operator			
	Part of Vehicle Obstructed View From Within			
	Part of Vehicle Distracted Operator			
	Other Vehicle Obstructions or Distractions			
	Other (explain)			
☐ ROADWAY CONDITIONS	Slippery Surface			
	Ruts, Holes, or Lips			
	Signs or Signals Obscured, Down, or Missing			
	Defaced Signs or Signals			
	No Passing Lines Obscured or Worn Away			
	Weak or Missing Guard Rail			
	Part of Surface Gave-way			
	View Obstructed by Crest or Dip			
	Blind Curve			
	Blind Intersection			
	Low Visibility Due to Fog, Rain, etc.			
	Dark Pockets Between Lighted Locations			
	Unlighted Obstructions			
	Sun Glare			
	Glare at Night From Road or Headlights			
	Reflected Glare From Glass or Water			
	Overhead Clearance Inadequate			
	Marginal Clearance Too Narrow			
	Sudden Narrowing			
	Obstacles or Obstructions in Road			
	Outside Distractions–Road, Scenery			
	Other (explain)			
☐ DRIVER/PEDESTRIAN CONDITIONS	Seeing Defects–Not Corrected			
	Hearing Defects–Not Corrected			
	Lacks Intelligence Applying Knowledge to Situation			
	Impaired Body Coordination or Control			
	Handicapped by Stature			
	Handicapped by Weight			
	Lack of Limbs or Their Use			
	Other Infirmity or Physical Defect			
	Lack of Strength			
	Low Vitality, Sluggishness			
	Lacks Knowledge of Vehicle			
	Lacks Knowledge of Roads			
	Lacks Knowledge of Laws			
	Lacks Knowledge of Safety Rules, Not In Laws			
	Lacks Skill to Manipulate Vehicle			
	Lacks Skill to Recognize Road Situations			
	Lacks Skill to Judge & Anticipate Other Traffic			
	Lacks Attention Maintaining Habits			
	Lacks Habits to Resist Distractions			
	Impatience–Hurrying Unnecessarily			
	Doing Stunts–Racing			
	Showing Off–Impressing or Scaring Passengers			
	Overdoing–As on Long Trips			
	Slighting–Either Laziness or Carelessness			
	Taking Chances–Knowingly Doing Risky Things			
	Willful Violations			
	Depending on Other Users			
	Preoccupation–Thinking of Other Things			
	Impulsive Acts–Suicidal or Homicidal			
	Other Faulty Attitudes–Explain			
	Under Influence of Alcohol			
	Under Influence of Narcotics–Non-medicinal			
	Carbon Monoxide Poisoning			
	Under Medication–Prescribed or Patent Drugs			
	Sudden Illness–Heart Attack, Stroke, etc.			
	Fatigue, Exhaustion, etc.			
	Asleep			
	Other (explain)			

HIT & RUN INV INFO

Wanted Driver–Name			Address		
Sex	Race	Age	How Dressed		
Other Identifying Features					
Color(s)	Year	Make	Model	License No.	State/Color(s)
Damage & Other Distinguishing Features.					
Did Any Conversation Take Place Between Suspect & Plaintiff? What Was Said?					
Suspect Last Seen Going (Direction)			On What Road?		

FOLLOW-UP INFO

Case Closed–Date	By Officer(s)	
Reason		Approved By
Remarks		Report Number

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APPENDIX 22 (cont.)

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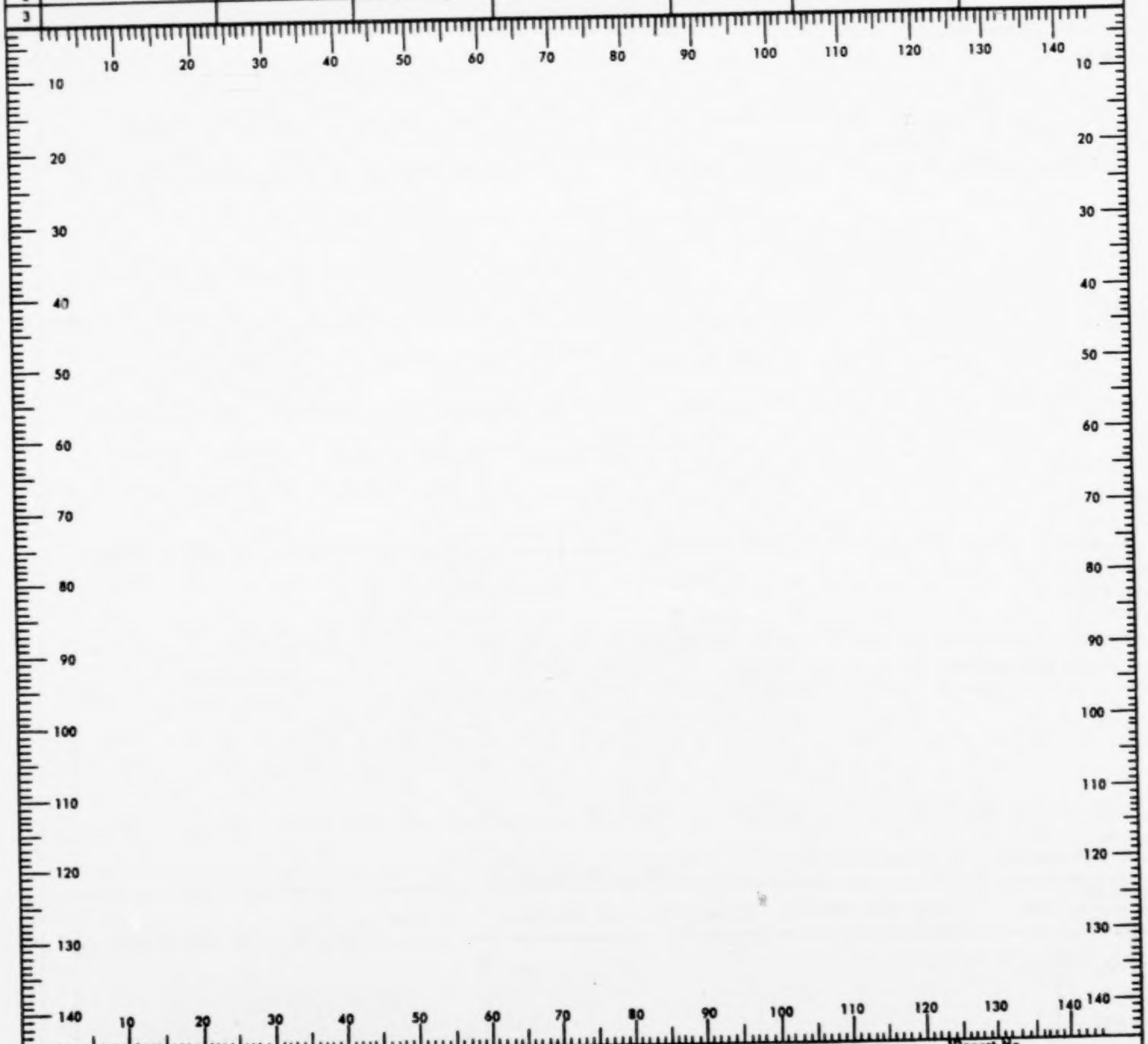
☐ Photos Taken	Taken By	Assisted By	Supervisor at Scene	Remarks
☐ Measurements				

SURFACE MARKS LEFT BY UNITS			
LEFT BY	UNIT 1	UNIT 2	UNIT 3
LF Tire			
RF Tire			
LR Tire			
RR Tire			
Oth. Left			
Oth. Right			

SURFACE	UNIT 1	UNIT 2	UNIT 3
Type			
Width			
Condition			
Drag Factor Range			
Number of Lanes			
Type Center Divider			
View Obstruction			

Unit	Distance Danger of Collision Was First Noticed-In Feet	Estimated Speed at That Point	Estimated Speed at Time of Impact	Distance Unit Traveled After Impact-In Feet	Lawful Speed	Maximum Safe Speed Under Existing Cond.	Speed Estimates Were Determined By
1							
2							
3							


10 20 30 40 50 60 70 80 90 100 110 120 130 140
10 20 30 40 50 60 70 80 90 100 110 120 130 140
10 20 30 40 50 60 70 80 90 100 110 120 130 140
10 20 30 40 50 60 70 80 90 100 110 120 130 140

N S T	Draw diagram in reasonable proportions. Show all pertinent details. Locate all physical evidence by measurements. Show path each unit took before, during, and after the collision. Diagram can be drawn to scale by using the printed scale on this form. Scale is 1 inch = 20 ft. Show North by arrow.	Report No.

BSSA FORM ARS-3-INV

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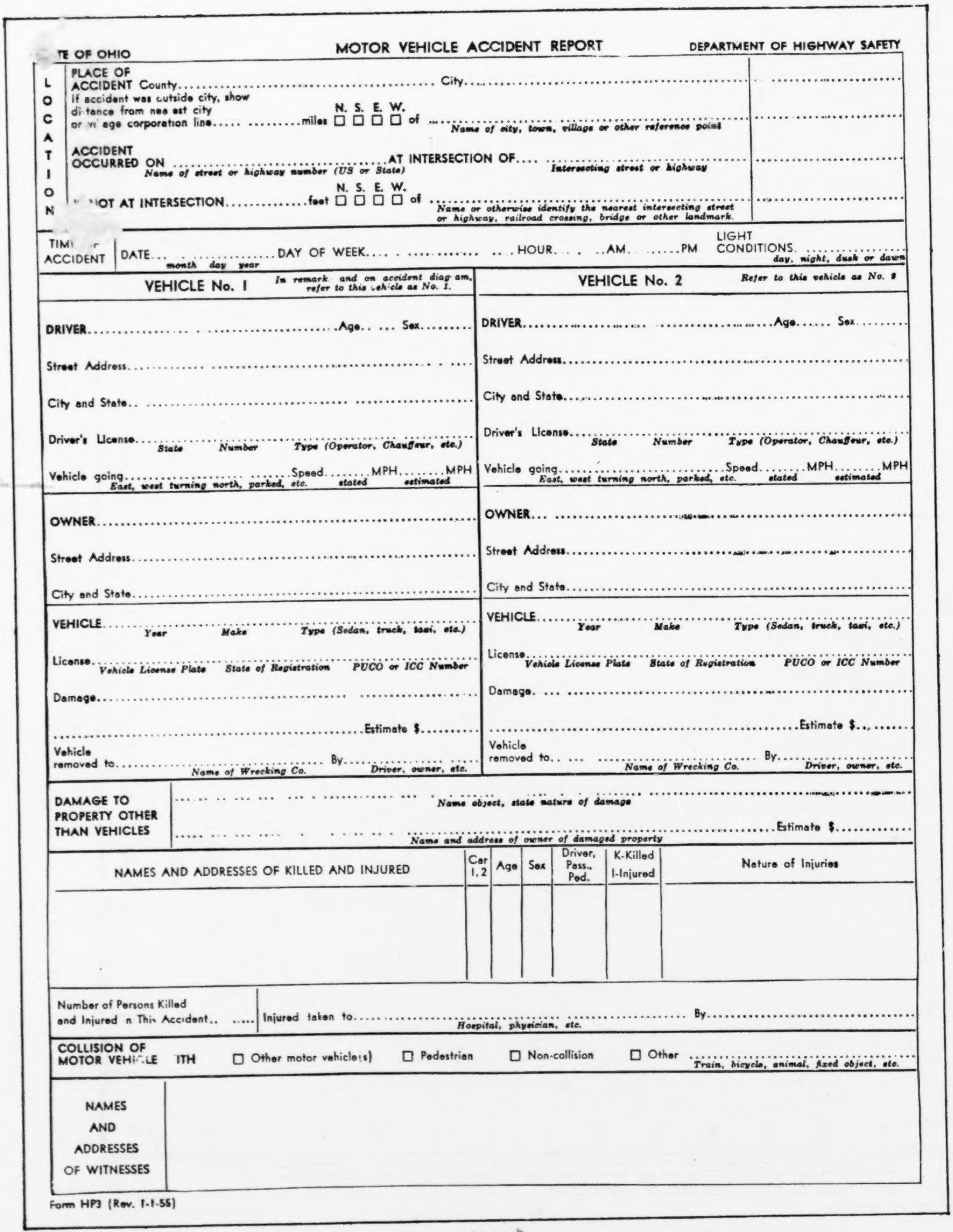


TE OF OHIO **MOTOR VEHICLE ACCIDENT REPORT** DEPARTMENT OF HIGHWAY SAFETY

LOCATION

PLACE OF ACCIDENT County.. City..

If accident was outside city, show distance from nearest city or village corporation line..... ....miles N. ☐ S. ☐ E. ☐ W. ☐ of ....
Name of city, town, village or other reference point

ACCIDENT OCCURRED ON .... AT INTERSECTION OF..
Name of street or highway number (US or State) *Intersecting street or highway*

NOT AT INTERSECTION.............feet N. ☐ S. ☐ E. ☐ W. ☐ of ....
Name or otherwise identify the nearest intersecting street or highway, railroad crossing, bridge or other landmark.

TIME OF ACCIDENT DATE............................ DAY OF WEEK............................ HOUR.......AM.......PM LIGHT CONDITIONS..........................
month day year *day, night, dusk or dawn*

VEHICLE No. 1 *In remarks and on accident diagram, refer to this vehicle as No. 1.*

DRIVER...Age.......Sex.........

Street Address..

City and State..

Driver's License..
State Number Type (Operator, Chauffeur, etc.)

Vehicle going..............................Speed........MPH........MPH
East, west turning north, parked, etc. stated estimated

OWNER..

Street Address..

City and State..

VEHICLE..
Year Make Type (Sedan, truck, taxi, etc.)

License..
Vehicle License Plate State of Registration PUCO or ICC Number

Damage..

....Estimate $..........

Vehicle removed to..............................By..............................
Name of Wrecking Co. Driver, owner, etc.

VEHICLE No. 2 *Refer to this vehicle as No. 2*

DRIVER...Age.......Sex.........

Street Address..

City and State..

Driver's License..
State Number Type (Operator, Chauffeur, etc.)

Vehicle going..............................Speed........MPH........MPH
East, west turning north, parked, etc. stated estimated

OWNER..

Street Address..

City and State..

VEHICLE..
Year Make Type (Sedan, truck, taxi, etc.)

License..
Vehicle License Plate State of Registration PUCO or ICC Number

Damage..

....Estimate $..........

Vehicle removed to..............................By..............................
Name of Wrecking Co. Driver, owner, etc.

DAMAGE TO PROPERTY OTHER THAN VEHICLES ....
Name object, state nature of damage
....Estimate $..........
Name and address of owner of damaged property

NAMES AND ADDRESSES OF KILLED AND INJURED	Car 1, 2	Age	Sex	Driver, Pass., Ped.	K-Killed I-Injured	Nature of Injuries

Number of Persons Killed and Injured in This Accident........ Injured taken to..............................By..............................
Hospital, physician, etc.

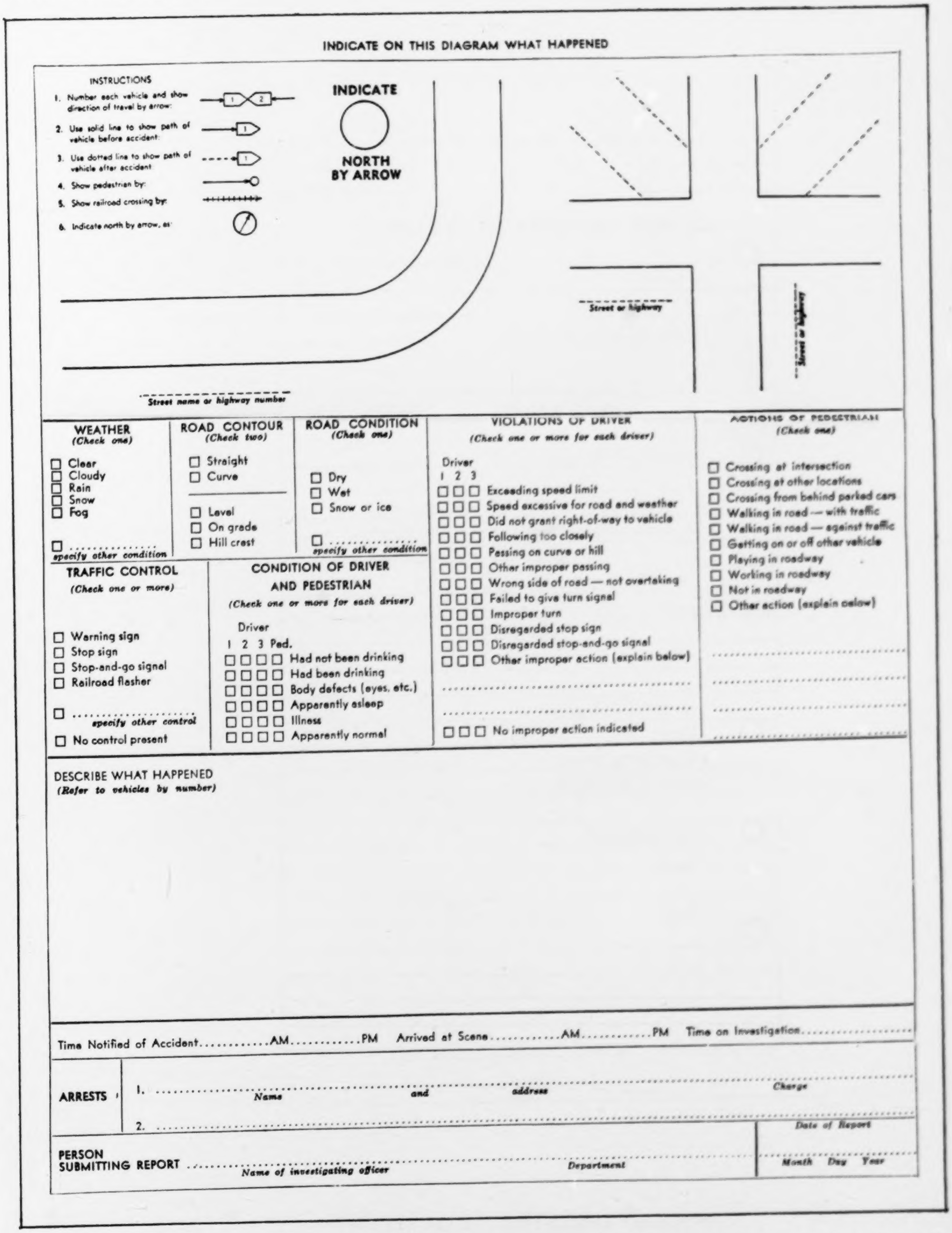
COLLISION OF MOTOR VEHICLE WITH ☐ Other motor vehicle(s) ☐ Pedestrian ☐ Non-collision ☐ Other ....
Train, bicycle, animal, fixed object, etc.

NAMES AND ADDRESSES OF WITNESSES

Form HP3 (Rev. 1-1-55)

Front Side MOTOR VEHICLE ACCIDENT REPORT Actual size 8-1/2" x 11"

APPENDIX 22 (Cont)



INDICATE ON THIS DIAGRAM WHAT HAPPENED

INSTRUCTIONS
1. Number each vehicle and show direction of travel by arrow:
2. Use solid line to show path of vehicle before accident:
3. Use dotted line to show path of vehicle after accident:
4. Show pedestrian by:
5. Show railroad crossing by:
6. Indicate north by arrow, as:

INDICATE NORTH BY ARROW

Street name or highway number

Street or highway

Street or highway

WEATHER
(Check one)
☐ Clear
☐ Cloudy
☐ Rain
☐ Snow
☐ Fog
☐ ....
specify other condition

ROAD CONTOUR
(Check two)
☐ Straight
☐ Curve

☐ Level
☐ On grade
☐ Hill crest

ROAD CONDITION
(Check one)
☐ Dry
☐ Wet
☐ Snow or ice
☐ ....
specify other condition

VIOLATIONS OF DRIVER
(Check one or more for each driver)

Driver 1	2	3	
☐	☐	☐	Exceeding speed limit
☐	☐	☐	Speed excessive for road and weather
☐	☐	☐	Did not grant right-of-way to vehicle
☐	☐	☐	Following too closely
☐	☐	☐	Passing on curve or hill
☐	☐	☐	Other improper passing
☐	☐	☐	Wrong side of road — not overtaking
☐	☐	☐	Failed to give turn signal
☐	☐	☐	Improper turn
☐	☐	☐	Disregarded stop sign
☐	☐	☐	Disregarded stop-and-go signal
☐	☐	☐	Other improper action (explain below)

....

....

☐ ☐ ☐ No improper action indicated

ACTIONS OF PEDESTRIAN
(Check one)
☐ Crossing at intersection
☐ Crossing at other locations
☐ Crossing from behind parked cars
☐ Walking in road — with traffic
☐ Walking in road — against traffic
☐ Getting on or off other vehicle
☐ Playing in roadway
☐ Working in roadway
☐ Not in roadway
☐ Other action (explain below)

....

....

....

....

TRAFFIC CONTROL
(Check one or more)
☐ Warning sign
☐ Stop sign
☐ Stop-and-go signal
☐ Railroad flasher
☐ ....
specify other control
☐ No control present

CONDITION OF DRIVER AND PEDESTRIAN
(Check one or more for each driver)

Driver 1	2	3	Ped.	
☐	☐	☐	☐	Had not been drinking
☐	☐	☐	☐	Had been drinking
☐	☐	☐	☐	Body defects (eyes, etc.)
☐	☐	☐	☐	Apparently asleep
☐	☐	☐	☐	Illness
☐	☐	☐	☐	Apparently normal

DESCRIBE WHAT HAPPENED
(Refer to vehicles by number)

Time Notified of Accident............AM............PM Arrived at Scene............AM............PM Time on Investigation..................

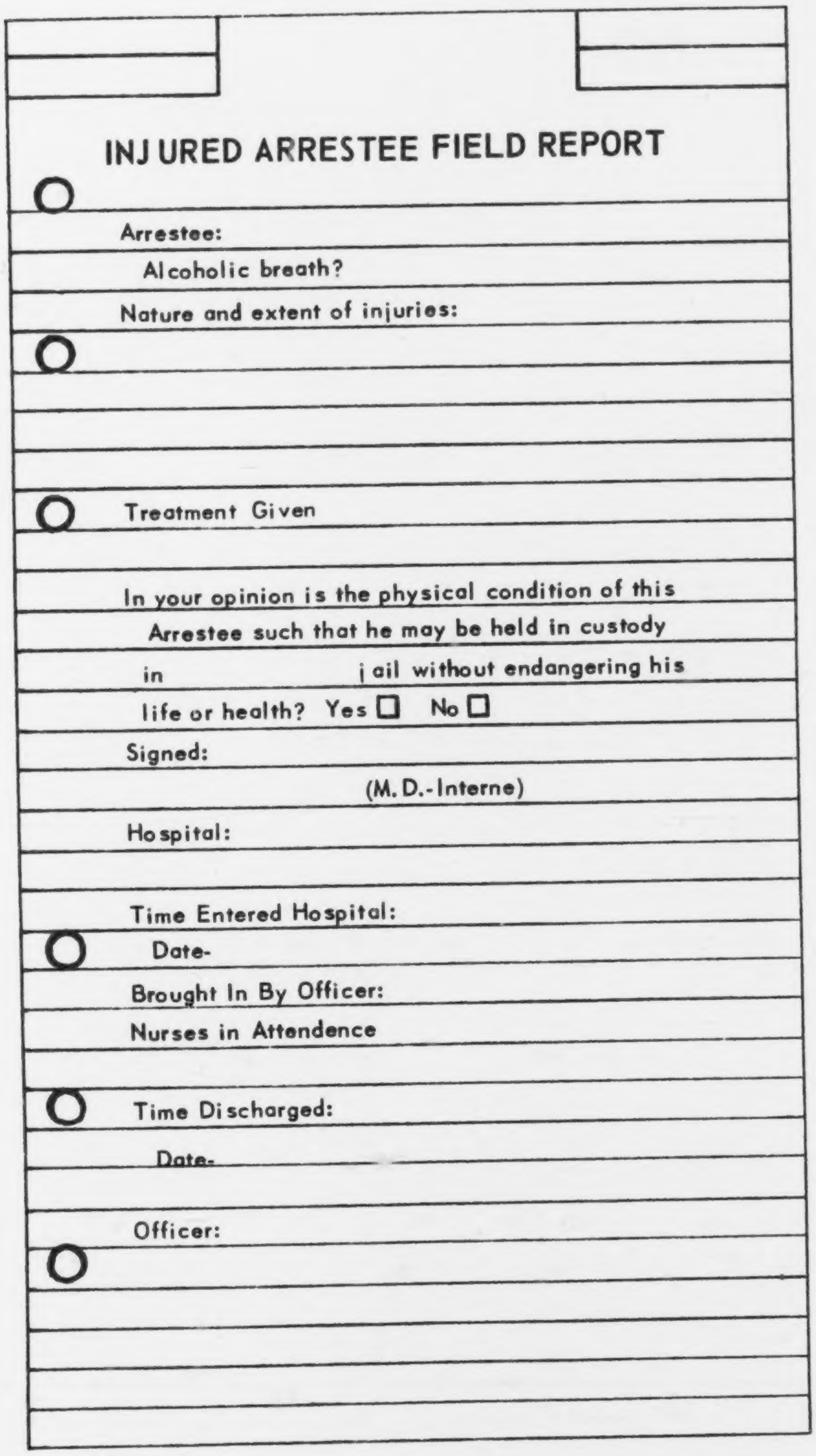
ARRESTS
1. ....
Name and address *Charge*
2. ....

PERSON SUBMITTING REPORT ....
Name of investigating officer *Department*

Date of Report
....
Month Day Year

Back Side MOTOR VEHICLE ACCIDENT REPORT Actual size 8-1/2" x 11"

APPENDIX 23



INJURED ARRESTEE FIELD REPORT

Arrestee:

Alcoholic breath?

Nature and extent of injuries:

Treatment Given

In your opinion is the physical condition of this Arrestee such that he may be held in custody in jail without endangering his life or health? Yes ☐ No ☐

Signed:

(M.D.-Interne)

Hospital:

Time Entered Hospital:

Date-

Brought In By Officer:

Nurses in Attendence

Time Discharged:

Date-

Officer:

INJURED ARRESTEE FIELD REPORT

APPENDIX 24

C - Complainant

V - Victim

- Number

S - Suspect

W - Witness (when used alone or with #)

W - White (only when used with another letter designating sex)

♂ M - Male

♀ F - Female

N - Negro

n - north

s - south

e - east

w - west

← l - left

→ r - right

f - front

∥ - parallel to

⊥ - perpendicular

∟ - right angle

" " - stated

"__" - exact words used

↑ - up (or raise)

↓ - down (or lower)

+ - together with (intersection) plus

— - without (or removed) less

& - and

@ - at

c/a - carried away

c/t - carried to

c/u - carried up

c/d - carried down

ea - each

SAMPLE ABBREVIATION CHART

APPENDIX 25

A - Adam
B - Boy
C - Charles
D - David
E - Edward
F - Frank
G - George
H - Henry
I - Ida
J - John
K - King
L - Lincoln
M - Mary
N - Nora
O - Ocean
P - Paul
Q - Queen
R - Robert
S - Sam
T - Tom
U - Union
V - Victor
W - William
X - X-Ray
Y - Young
Z - Zebra

PHONETIC ALPHABET CHART

APPENDIX 26

LAWS OF SEARCH AND SEIZURE

B. Necessity; Search Without Warrant

§ 8. Generally.—A search warrant is not necessary to the legality of searches in all cases.[18] Police officers acting in good faith and upon information which induces in them an honest belief that a person is in the act of violating the law may make a search and seizure without a warrant.[19] An officer may, without a search warrant, seize contraband goods which he sees.[20]

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16. RC § 2933.31 (GC § 13430-1).

17. RC § 2933.30 (GC § 13430-10).

18. United States v Pierce, 124 F Supp 264, 56 O Ops 44, 70 OL Abs 140, affd 224 F2d 281.

Annotation: Search and seizure, without warrant on suspicion or information as to unlawful possession of weapons. 92 ALR 490.

—Search of automobile without warrant by officers relying on description of persons suspected of crime. 60 ALR 299.

—Right to search or seize vehicle containing contraband as affected by the fact that it was stationary at the time. 61 ALR 1002.

—Entry and search of premises for purpose of arrest without search warrant. 5 ALR 263.

19. Houck v State, 106 OS 195, 140 NE 112; Porello v State, 121 OS 280, 168 NE 135; Walsh v State (App) 35 OLR 216, 11 OL Abs 28; Hartenstine v State, 24 ONP NS 1[illegible]; Cincinnati v Wagner, 27 ONP NS 445.

In Houck v State, supra, the court notes the similarity between the statutes authorizing an arrest without a warrant (see 5 O Jur 2d 31, ARREST §§ 19 et seq) and those relating to search and seizure.

Annotation: Accused's right to, and prosecution's privilege against, disclosure of identity of informer where issue is legality of search without warrant. 76 ALR2d 327.

20. Podner v State, 19 O App 82, 3 OL Abs 228, m c o 20 OLR 611, dismd for want of debat q 107 OS

Courtesy The Lawyers Co-operative Publishing Company

Where property held illegally is not in sight of the officer, however, there must be probable cause for the search.[1] In the absence of such probable cause, the search is illegal,[2] even though it results in the discovery of contraband. An officer cannot act on a mere venture or exaggerated suspicion,[3] and after-acquired knowledge cannot legalize a search which was unlawful when made.[4] There must be such suspicious circumstances or such surrounding conditions that a reasonably prudent man would believe the person passing guilty of crime.[5] Officers without previous knowledge and without any information that would induce an honest belief that the defendant was violating the law cannot seize and search a person unless they have a search warrant and have previously arrested him.[6]

632, 141 NE 92; Dunning v Cincinnati, 21 ONP NS 468, 29 ODNP 472, affd by ct of app, m c o, m d p err sustained 18 OLR 24.

[1] § 15, infra.

[2] Bock v Cincinnati, 43 O App 257, 10 OL Abs 436, 183 NE 119, error dismd 124 OS 667, 181 NE 888.

The search of a person without probable cause or reasonable ground to believe that the person searched was committing a violation of law is unlawful unless the requirements of the statute, regulating the issuance of a search warrant have been complied with. State v Chick, 31 ONP NS 313, 15 OL Abs 529.

[3] Cincinnati v Wagner, 27 ONP NS 445. In this case, the view is taken that the act of an officer, upon seeing a person under the influence of liquor and staggering and with the proverbial "bulge," in taking hold of his arm and feeling of the "bulge," which proves to be intoxicants, is not on probable cause.

[4] Cincinnati v Fay, 27 ONP NS 520.

[5] Rasey v Ciccolino, 1 O App 194, 18 OCC NS 331, 34 OCC 294. In this case, it appeared that the officers were warned that a certain fugitive was expected to get off of a train, and a police officer subsequently saw a man peaceably walking along the railroad track, but who did not answer the description of the fugitive, and there was nothing suspicious about him, and no indication that he even got off the train, and the court held that the police officer had no authority to stop him.

[6] Cincinnati v Fay, 27 ONP NS 520, wherein it appeared that the officers entered a cigar store and saw the defendant talking with several men, and after he left them they seized him and searched his pockets and found a memorandum of a wager upon a horse race, without having previously placed him under arrest and without intending to place him under arrest unless they found the slip of paper, and wherein it appeared that they had no previous knowledge of the fact that he was carrying a race horse slip or any information that would induce an honest belief that the defendant was in the act of violating the law.

An officer is not entitled to search a person or premises without a search warrant unless he has information concerning a violation of law or sees the violation, and where officers arrest a person who had not violated any statute, law, or ordinance, or done anything which would give a reason to make an arrest, the arrest and search are unlawful. State v Mendel (Mun) 5 O Ops 311.

The legality of a search without a warrant must be raised in the trial court.[7]

Searches for dead bodies without a warrant, but with the same power as officers executing a warrant, are authorized by statute under certain conditions.[8]

§ 9. **Search Incident to Arrest.**—Often, a search warrant is used for the purpose of procuring evidence of crime only and at a time when the offender is in custody,[9] and the right, without a search warrant, to search a person after a valid arrest, is well recognized.[10] Officers who have lawfully arrested a person may remove contraband property from his person, and if police officers find a person in possession of that which constitutes a violation of law and he puts the things unlawfully possessed in his pocket, they may, upon arresting him, forcibly take such property from his possession.[11] Thus, officers who have arrested one on the charge of carrying a concealed weapon may remove a revolver from his person.[12] Likewise, a person arrested without a warrant for having in his possession horse-racing slips, may be searched and the forbidden papers seized.[13] Intoxicating liquors on the person of one lawfully arrested may be seized without a search warrant.[14] However, it seems that the search of the person of one unlawfully arrested is illegal.[15]

§ 10. **Search of Vehicles and Persons in Control Thereof.**—If officers see a person in or about a motor vehicle illegally possessing contraband goods, they may search him and his automobile without a search warrant.[16] An officer acting in good faith and upon information which he believes to be true may lawfully search an automobile or other vehicle without first obtaining a search warrant therefor, and having found property the possession of which is a violation of law, he is warranted in confiscating the goods and arresting the person in charge.[17] Such a search is authorized, even though the officer has no previous knowledge of such violation, provided he acts in good faith and upon such information as induces an honest belief that the person in charge of the automobile is in the act of violating the law; the search and seizure under such circumstances is not unreasonable and does not transgress Article 1, § 14 of the Ohio Constitution.[18]

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[7] Manley v State (App) 7 OL Abs 45.

[8] § 7, supra.

[9] Kovacs v State, 24 ONP NS 1.

[10] Cardinal v United States, 79 F2d 825; United States v Pierce, 124 F Supp 264, 56 O Ops 44, 70 OL Abs 140, affd 224 F2d 281.

Annotation: Right of search and seizure incident to lawful arrest, without a search warrant. 32 ALR 680, s. 51 ALR 424, 74 ALR 1387, 82 ALR 782.

—Illustrations of distinction, as regards search and seizure, between papers or other articles which merely furnish evidence of crime, and the actual instrumentalities of crime. 129 ALR 1296.

[11] Dunning v Cincinnati, 21 ONP NS 468, 29 ODNP 472, affd by ct of app, m c o, m d p err sustained 18 OLR 24; Cincinnati v Bush, 24 ONP NS 81.

[12] Walsh v State (App) 35 OLR 216, 11 OL Abs 28.

[13] 25 O Jur 2d 660, GAMBLING § 45.

[14] Phillips v State, 105 OS 541, 138 NE 54. See also Hartenstine v State, 24 ONP NS 124.

[15] State v Smith (CP) 19 O Ops 454, 33 OL Abs 272.

§ 11. Search of Buildings.—Ordinarily, a search of a building cannot be lawfully made without a warrant,[19] and this includes

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[16] Decker v State, 113 OS 512, 150 NE 74, 42 ALR 1151; United States v Hilsinger, 284 F 585, 1 OL Abs 324.

With reference to violation of federal laws relating to taxation of intoxicating liquor, it has been held that where circumstances present facts within the personal knowledge of investigating officers, sufficient to lead a reasonably discreet and prudent man to believe that liquor is illegally possessed in an automobile, a search and seizure of such automobile, although without warrant, is not unlawful. Scher v United States, 95 F2d 64, affd 305 US 251, 83 L ed 151, 59 S Ct 174.

[17] Houck v State, 106 OS 195, 140 NE 112; Porello v State, 121 OS 280, 168 NE 135; Frazier v Semoff, 21 O App 6, 4 OL Abs 701, 152 NE 780.

Where it appeared that the person whose automobile was searched without a warrant had the reputation of being a bootlegger and had attempted to conceal his identity and that of his automobile, and the officer knew of his alleged persistent violations of the law in transporting and selling liquor, and knew the license number of his automobile, and where at the time of the search he was in the act of transporting liquor for sale contrary to law—a search under such circumstances is not unreasonable and does not violate the constitutional provision. Houck v State, 16 O App 209, affd 106 OS 195, 140 NE 112.

In a case in which officers stopped a person driving a truck, thinking that he was transporting slot machines, and he was found to be transporting intoxicating liquor in violation of law, the court said that the seizure of contraband liquor was justifiable. Dworken v State (App) 29 OLR 52, 7 OL Abs 218.

[18] Houck v State, 106 OS 195, 140 NE 112.

[19] Hendershot v State, 14 O App 430; Knipp v Cincinnati, 29 ONP NS 209.

It has thus been held generally, and without referring to the existence of probable cause, that a police officer without a warrant has no authority to search a junk shop for stolen goods. Neifeld v State, 3 OCC NS 551, 23 OCC 246.

Annotation: Searches and seizures by health officers without warrant. 13 ALR2d 969.

—Premises temporarily unoccupied as dwelling within provision a closed garage in the rear of the defendant's home.[20] However, there may be circumstances under which the search of a building without a warrant is permissible. If police officers are fairly certain that a house is being used for unlawful purposes, they may enter it, by force, if necessary, and make arrests therein without first securing a search warrant.[1]

If an officer is informed that there is a disturbance at a particular residence and he goes there and is admitted and finds therein contraband property, which he confiscates, the residence ceases to be a bona fide private residence, and the fact that the officer did not have a search warrant is not fatal to the proceeding.[2] Officers lawfully in a house for a particular purpose may arrest for other crimes they see being committed and seize the evidence of crime which they see,[3] but they have no authority to search the whole house, without a warrant, for evidence of other crimes.[4]

In a number of cases decided under a former intoxicating liquor statute, the opinion was expressed that when a house had lost its character as a bona fide residence it might be searched without a warrant.[5] Prohibition officers under the former intoxicating liquor laws were held justified in entering, without a warrant, a brewery engaged, under a permit from internal revenue, in the manufacture of near beer, a taxable product, and also in searching

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forbidding unreasonable search of dwelling. 33 ALR2d 1430.

[20] Antoszewski v State (App) 5 O Ops 264, 21 OL Abs 345, 31 NE2d 881.

The constitutional guaranty is not limited to dwelling houses proper; it extends to a garage on the residence property. Antoszewski v State, supra; United States v Slusser, 270 F 818.

[1] Davis v State (App) 35 OLR 194, 10 OL Abs 550.

[2] Podner v State, 19 O App 82, 3 OL Abs 228, m c o 20 OLR 611, and dismd for want of debat q 107 OS 632, 141 NE 92.

[3] Cincinnati v Mills, 27 ONP NS 473.

[4] Cincinnati v Mills, supra.

Where an officer was lawfully in one room of a residence for the purpose of executing a warrant of arrest of a person for disorderly conduct he has no right, upon smelling the odor of beer in the house, to search other rooms thereof without a warrant. Cincinnati v Mills, supra.

Officers at a residence for the purpose of investigating a particular crime have no authority to search the residence for intoxicating liquor. Nekruta v State (App) 31 OLR 320, 8 OL Abs 11.

[5] Hornack v State, 39 O App 203, 10 OL Abs 113, 177 NE 244; Hamerick v Youngstown (App) 7 OL Abs 251; Wade v State (App) 31 OLR 104, 8 OL Abs 95; Florea v Cleveland (App) 34 OLR 484, 9 OL Abs 459; Alderman v Lakewood (App) 11 OL Abs 163.

for contraband, and in seizing any contraband they found there.[6] But premises cannot be searched without a warrant and without circumstances indicating illegal trafficking in liquor merely because at a prior date the occupant of such premises was found guilty of unlawfully possessing intoxicating liquor on such premises.[7]

§ 12. Consent to Search.—An officer may search premises without a warrant if it is done with the owner's consent[8] or if the owner assists in conducting the search.[9] The fact that a search warrant was based upon an insufficient affidavit is immaterial where the officers did not enter the building in question by reason of the search warrant, but were admitted by the occupant,[10] and a suspected person waived his constitutional rights by telling the officers to search him and his car if they so desired as he had nothing illegal in his possession.[11] But the mere failure to resist the officer does not show consent.[12] For example, the statement of the owner, when told by the officers that they were there to search his premises, to "go ahead," is not a waiver of the owner's rights, but a peaceful submission to officers of the law.[13]

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[6] United States v Hilsinger, 284 F 585, 1 OL Abs 324.

[7] Strauss v Cleveland (App) 11 OL Abs 268, wherein the court said that merely because the owner of a residence had been found guilty of unlawfully possessing intoxicating liquor in such residence did not mean that the residence had perpetually lost its bona fide character.

[8] Gilmore v State, 15 O App 432; Podner v State, 19 O App 82, 3 OL Abs 228, m c o 20 OLR 611, dismd for want of debat q 107 OS 632, 141 NE 92; Veal v State, 32 OCA 281, 45 OCC 744.

Agents and employees of the Department of Liquor Control are exempt from the provisions relative to search warrants in connection with violations of the liquor laws. Moreover, if it could be said that a liquor permittee's constitutional rights were invaded, it is such a constitutional right as could be waived, and by securing a permit and electing to operate under the Liquor Control Act, he has waived the constitutional protection, if any, of the Ohio Constitution as to the right to search his premises and seize property if found to be in violation of law. Hurless v Department of Liquor Control (App) 73 OL Abs 161, 136 NE2d 736, dismd for want of debat q 164 OS 492, 58 O Ops 331, 132 NE 2d 107, and reh den 75 OL Abs 70, 142 NE2d 667.

In Hahn v State, 38 O App 461, 176 NE 164, error dismd 123 OS 675, 177 NE 585, a prosecution for murder, where the defendant, before the jury was impaneled, moved the court to require the sheriff and prosecuting attorney to return to him certain property which they had seized at or about the time of his arrest, the property seized consisting of parts of the automobile in which it was claimed by the State that the murdered man was conveyed to a creek, and where it was shown that the automobile belonged to the defendant's father and was seized upon a search by the officers with the consent of the owner of the premises on which the automobile was found, it was held that there was no error in overruling the motion for the return of the property taken, the court stating that the defendant certainly would not have the right to demand the return to him of articles which he did not own, and which were not in his possession at the time of seizure.

[9] Carmosino v State (App) 27 OLR 623, 6 OL Abs 688 (gambling machines).

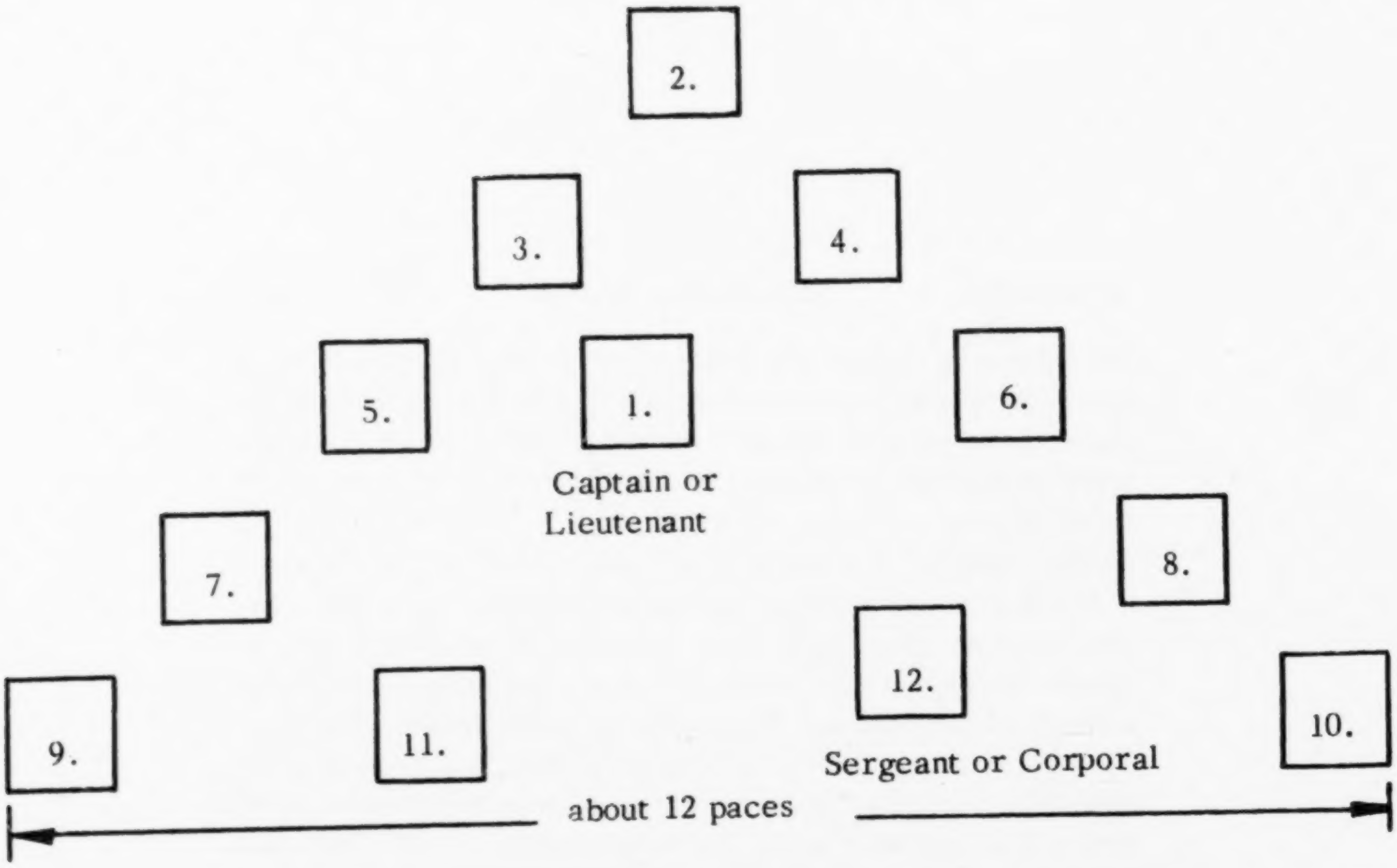
[10] Renda v State (App) 14 OL Abs 639.

Consent of one person, such as an employee, does not waive the necessity of a warrant as against another person, for example, the employer.[14] Also, even assuming that a wife in the absence of her husband may waive his constitutional immunity against search of his dwelling as granted by § 14, Article 1, of the Constitution of Ohio, such waiver cannot be said to have occurred where the testimony as to the wife's assent is conflicting, and there is a probability that any assent given was by reason of the coercive influence of an officer or officers of the law.[15]

APPENDIX 27

FORMATION TO DISPERSE GATHERING

Squad Wedge


2.
3.
4.
5.
1.
Captain or Lieutenant
6.
7.
8.
12.
9.
11.
Sergeant or Corporal
10.
about 12 paces

The squad wedge should be used when the gathering is small enough not to require more than a squad. This is used in splitting a gathering to apprehend a ringleader or just to split into smaller groups.

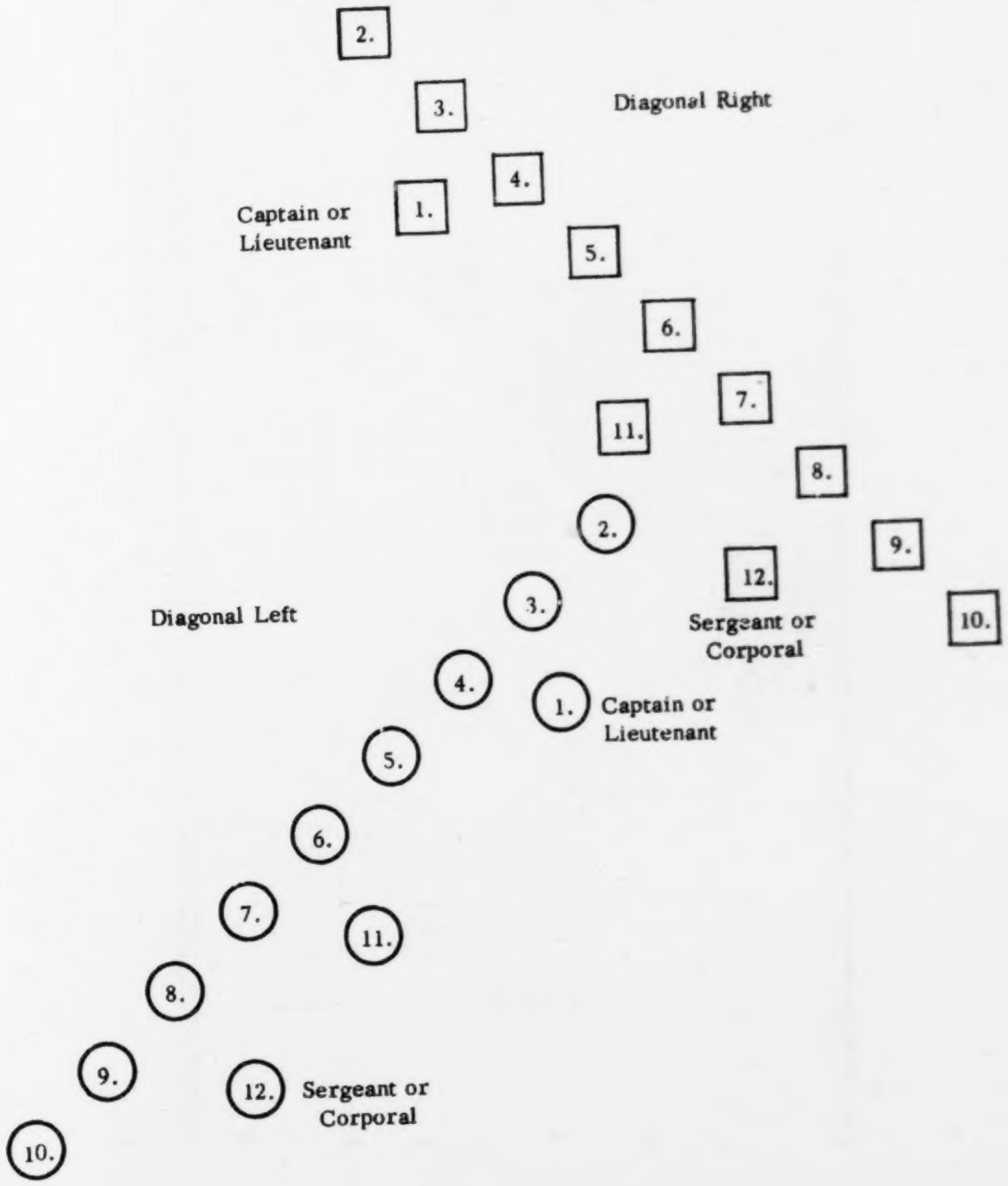
Squad = 12 officers - 1 command officer - 1 supervisor - (Sgt.-Cpl.) 10 Ptl.

Space between men - 1 pace to right or left - 1 pace rear - odd numbers to left - even numbers to right.

APPENDIX 28

FORMATION TO DISPERSE GATHERING

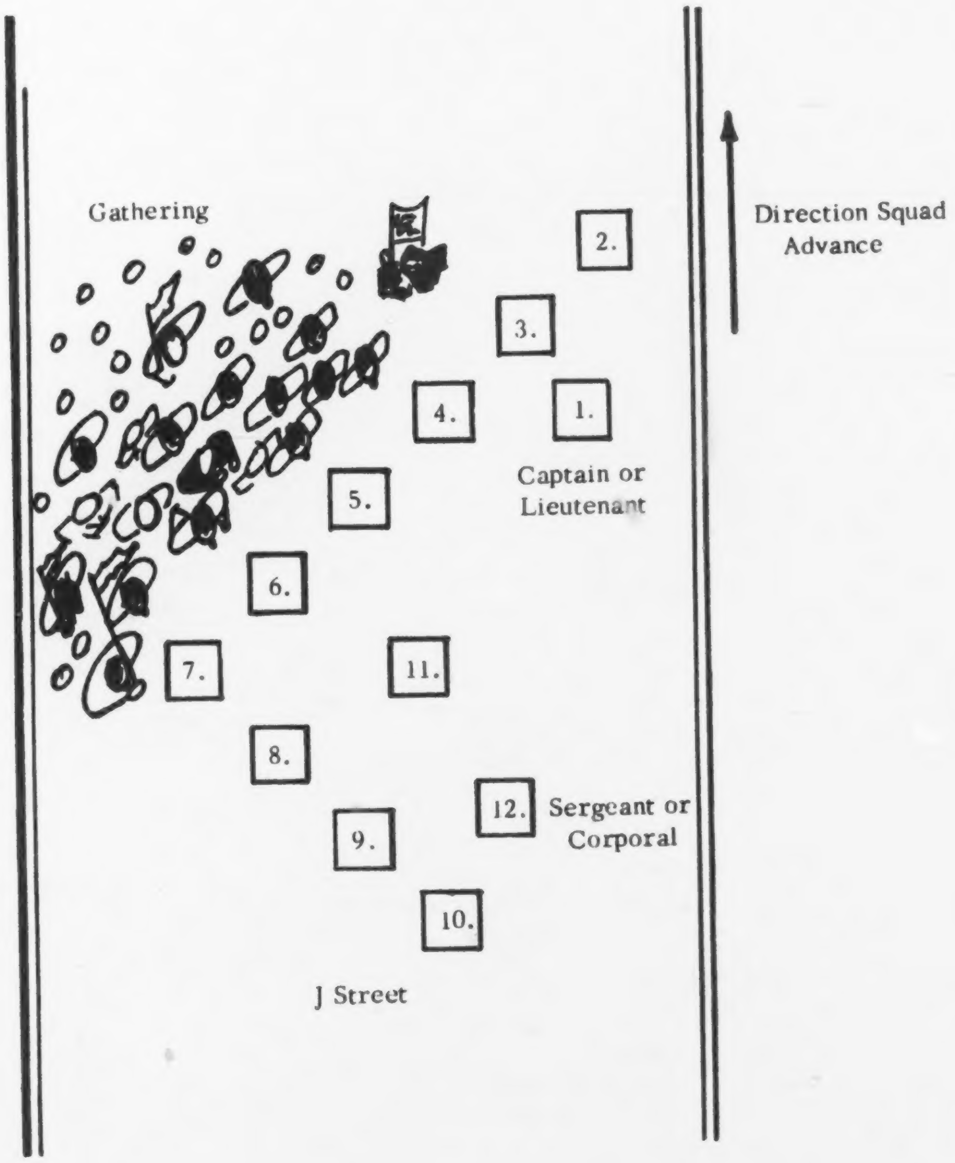
Squad Diagonal Right or Left


2.
3.
Diagonal Right
4.
Captain or Lieutenant
1.
5.
6.
7.
11.
8.
2.
9.
12.
Diagonal Left
3.
Sergeant or Corporal
10.
4.
1.
Captain or Lieutenant
5.
6.
7.
11.
8.
9.
12.
Sergeant or Corporal
10.

The squad diagonal is to be used for dispersing small gatherings. Its purpose is to move people away from a wall, building or to clear a street.

FORMATION TO DISPERSE GATHERING

Squad Side Wedge

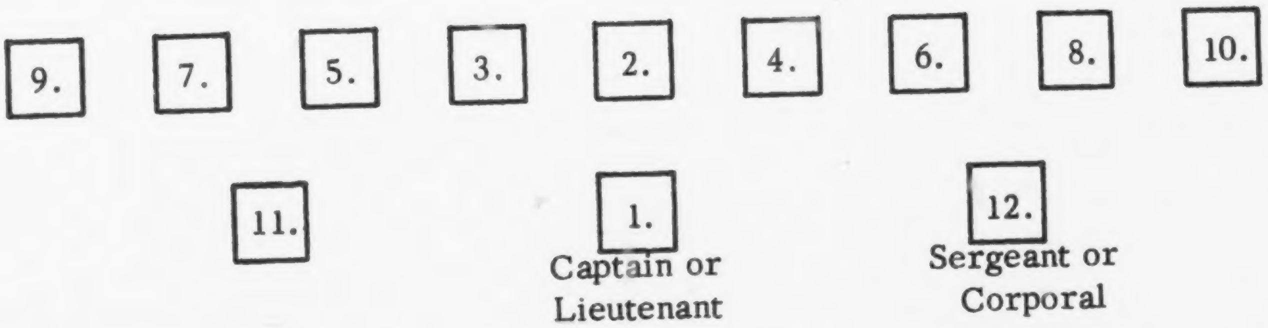

Gathering
Direction Squad Advance
2.
3.
4.
1.
Captain or Lieutenant
5.
6.
7.
11.
8.
12.
Sergeant or Corporal
9.
10.
J Street

This movement will prevent people from closing inside and in rear of squad. It is a variation of the squad wedge and diagonal.

APPENDIX 30

FORMATION TO HOLD - DEFENSIVE

Squad Skirmish


9.
7.
5.
3.
2.
4.
6.
8.
10.
11.
1.
Captain or Lieutenant
12.
Sergeant or Corporal

The purpose of the squad skirmish deployment is to hold an objective taken. It is used strictly as a defensive measure.

APPENDIX 31

SAMPLE FORMAT FOR REQUEST FOR DISPERSAL

This is officer____________________ of the____________________
(name) (Police-Sheriff's Dept.)
____________ may I have your attention and cooperation. This gathering is requested to disperse so as to avoid possible injuries or arrests to any or all persons involved. You have been participating in a gathering which is in violation because it is no longer a peaceful assembly. Serious injury or a crime may result from your actions. You have________ minutes
(number)
to leave. You may leave by______________________________________
(Name(s) of streets-exits)
I wish to thank you for your cooperation.

APPENDIX 32

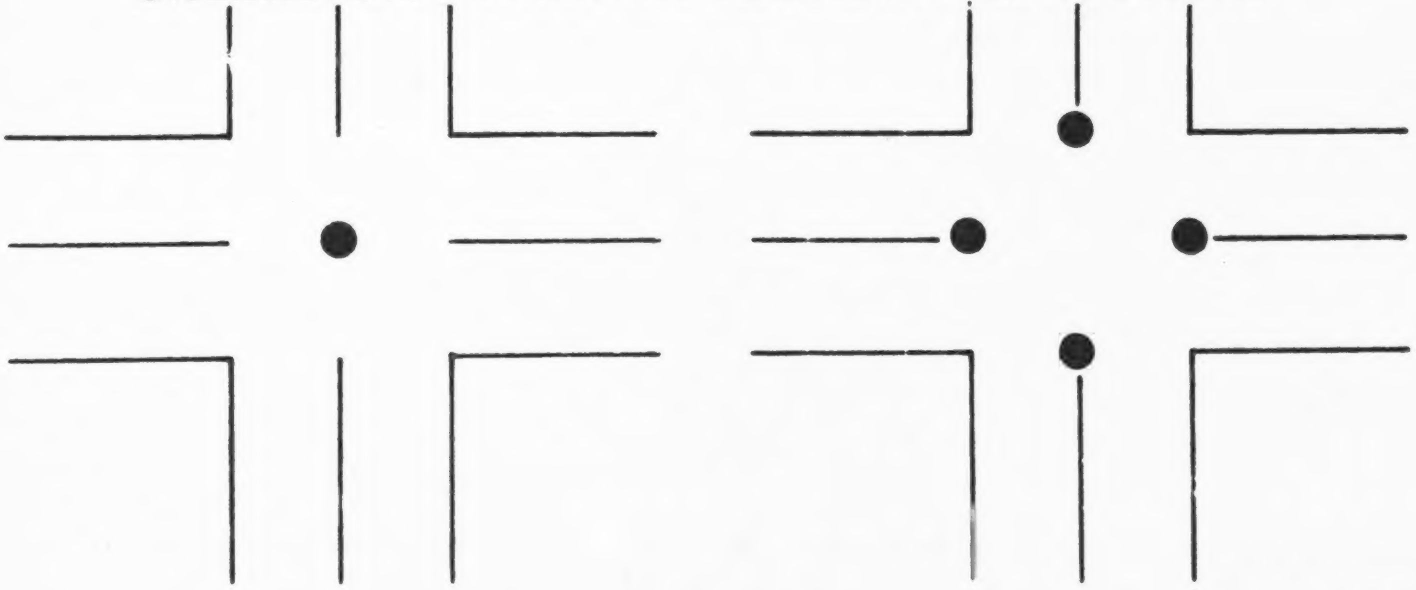
SAMPLE FORMAT FOR ORDER FOR DISPERSAL

"I, officer________________________ of the____________________
(name) (Police-Sheriff's Dept.)
acting under authority of Section 3761.14 of the Ohio Revised Code, do command you in the name of the State of Ohio to disperse and depart to your several homes or lawful employment." You have________ minutes
(number)
to disperse.

ANY PERSONS REMAINING ARE SUBJECT TO ARREST.

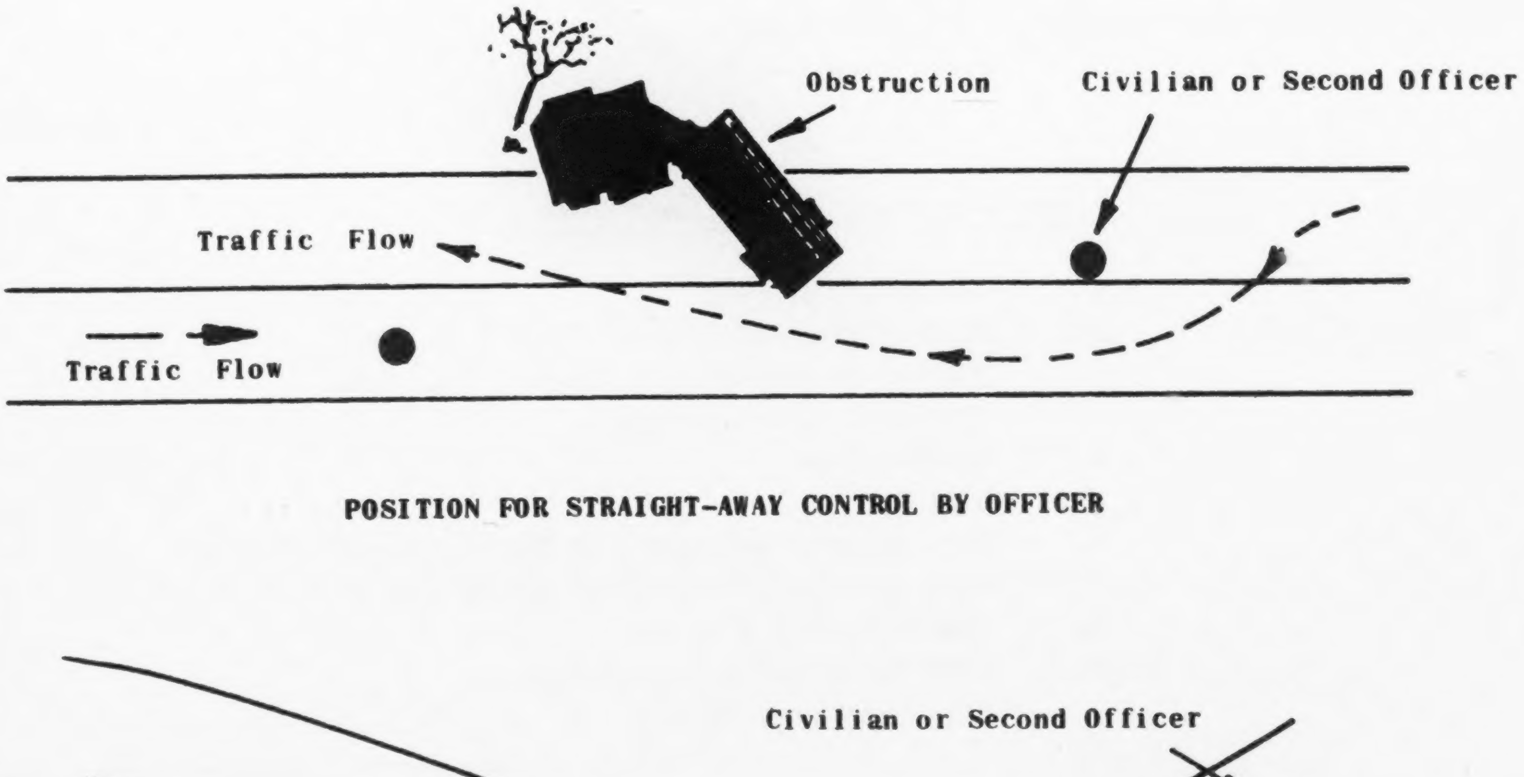
APPENDIX 33

INTERSECTIONS & OTHER TYPE TRAFFICWAY CONTROL POINTS

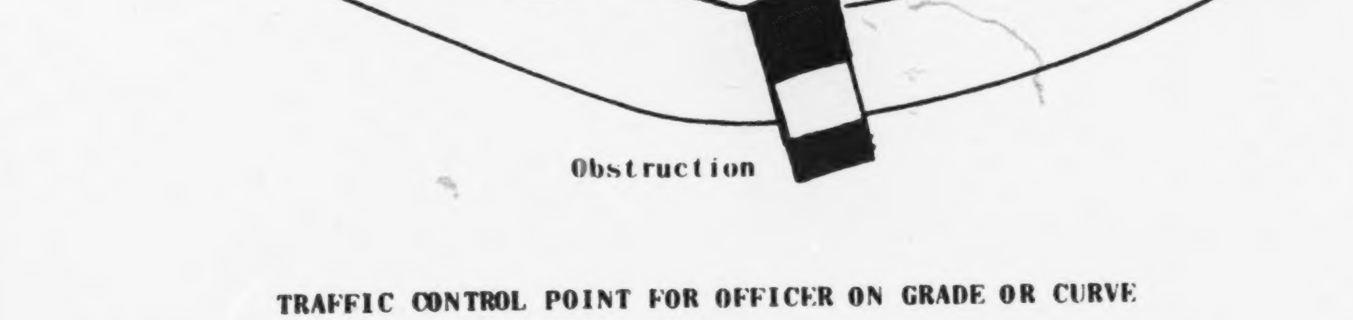


INTERSECTION TRAFFIC CONTROL POINT FOR OFFICER

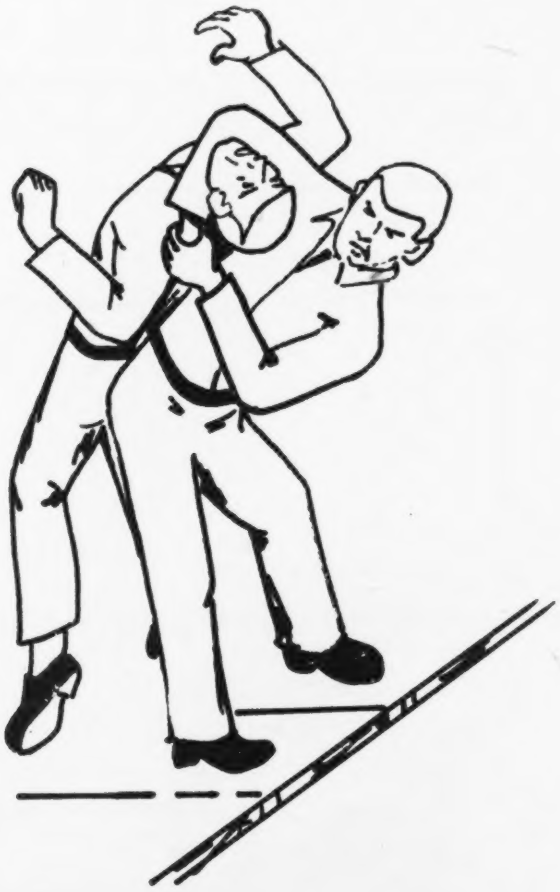
● - OFFICER OR ASSISTANT


Obstruction
Civilian or Second Officer
Traffic Flow
Traffic Flow

POSITION FOR STRAIGHT-AWAY CONTROL BY OFFICER


Civilian or Second Officer
Obstruction

TRAFFIC CONTROL POINT FOR OFFICER ON GRADE OR CURVE

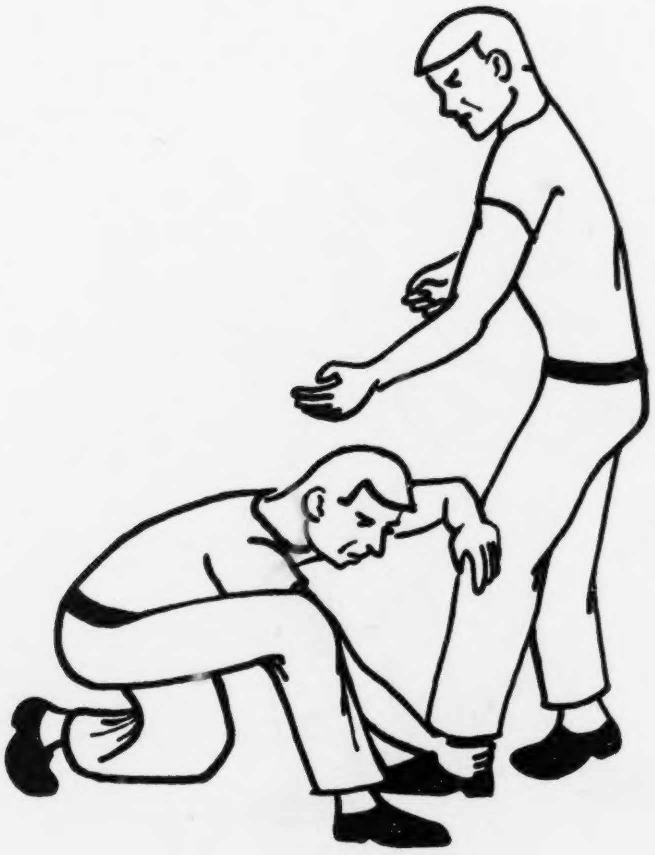


Rear Strangle Lock - Take Down

1. Get behind person
2. Place forearm around throat
3. Strike sharp blow with palm of free hand to kidney (if necessary)
4. Lock hands
5. Step forward
6. Jerk person backward onto hip and small of back
7. Flex muscles of lower and upper arm around throat
8. Hold till under control
9. Take down to floor or ground
10. Apply restraint device

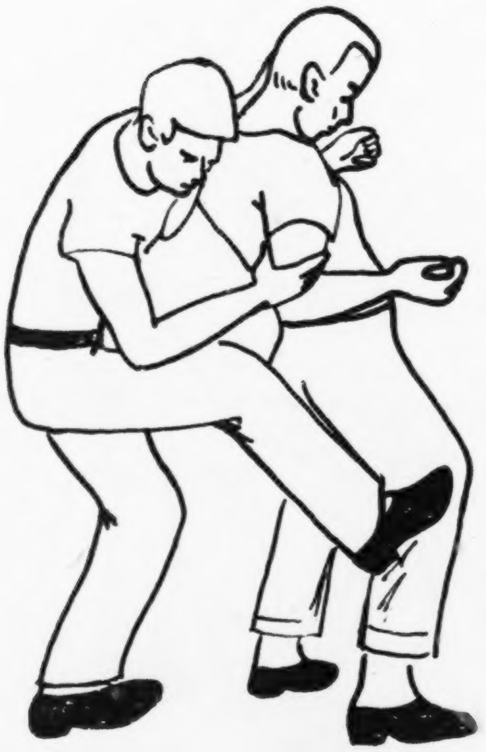
WARNING: Blood circulation is blocked from this hold thereby causing a blackout or death if held too long.

APPENDIX 35



Hands to Heel and Knee - Take Down

1. Feign blow to head
2. Drop quickly to one knee
3. Grasp ankle or heel with strong hand
4. Place weak hand on kneecap
5. Jerk ankle or heel towards you
6. Push knee away



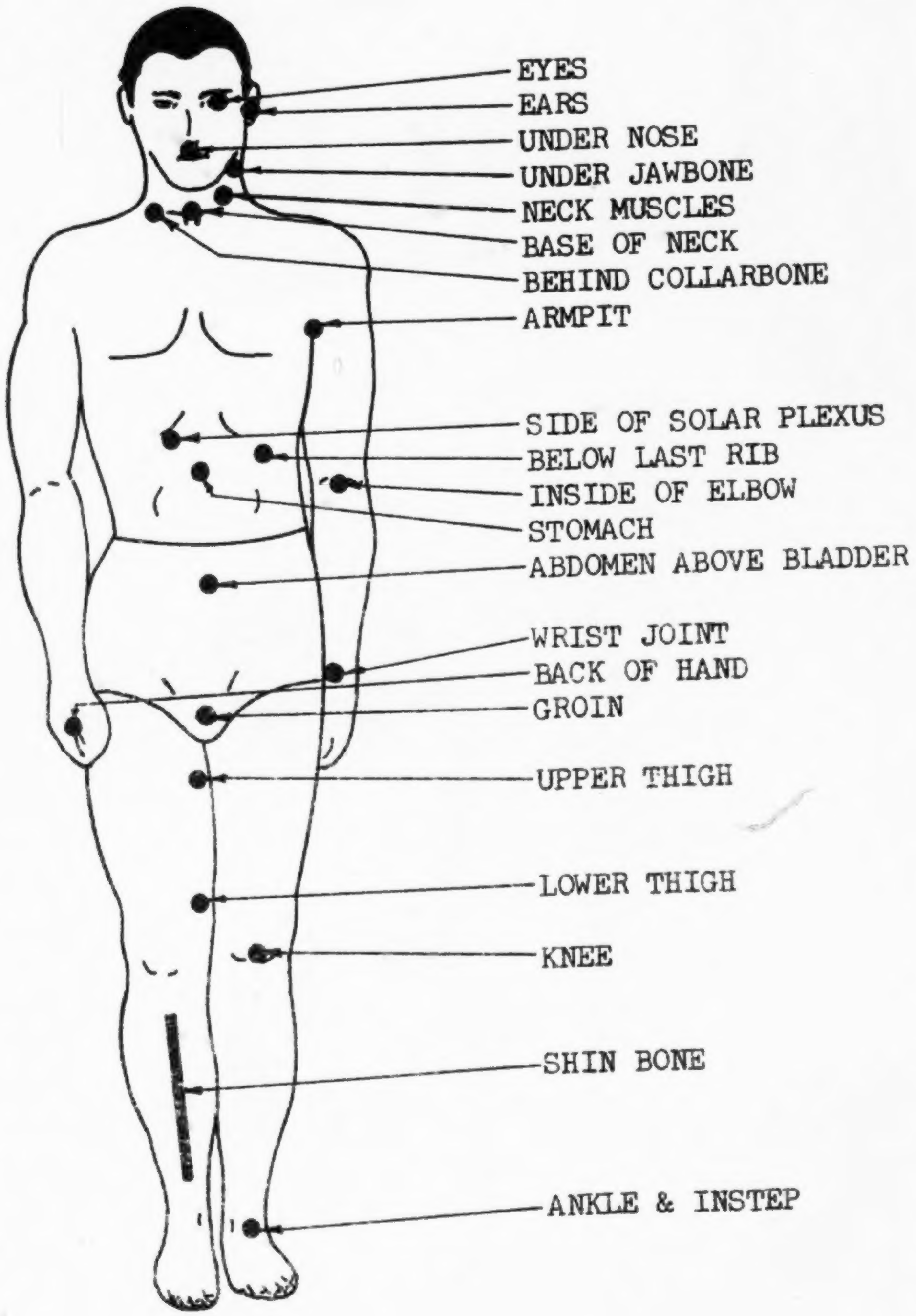
Rear Kick to Knee - Take Down

1. Grasp shoulders or arms
2. Kick back of knee
3. Pull backward and downward
4. Stepping back and to side opposite foot used
5. Continuing pull backwards and downwards to ground or floor

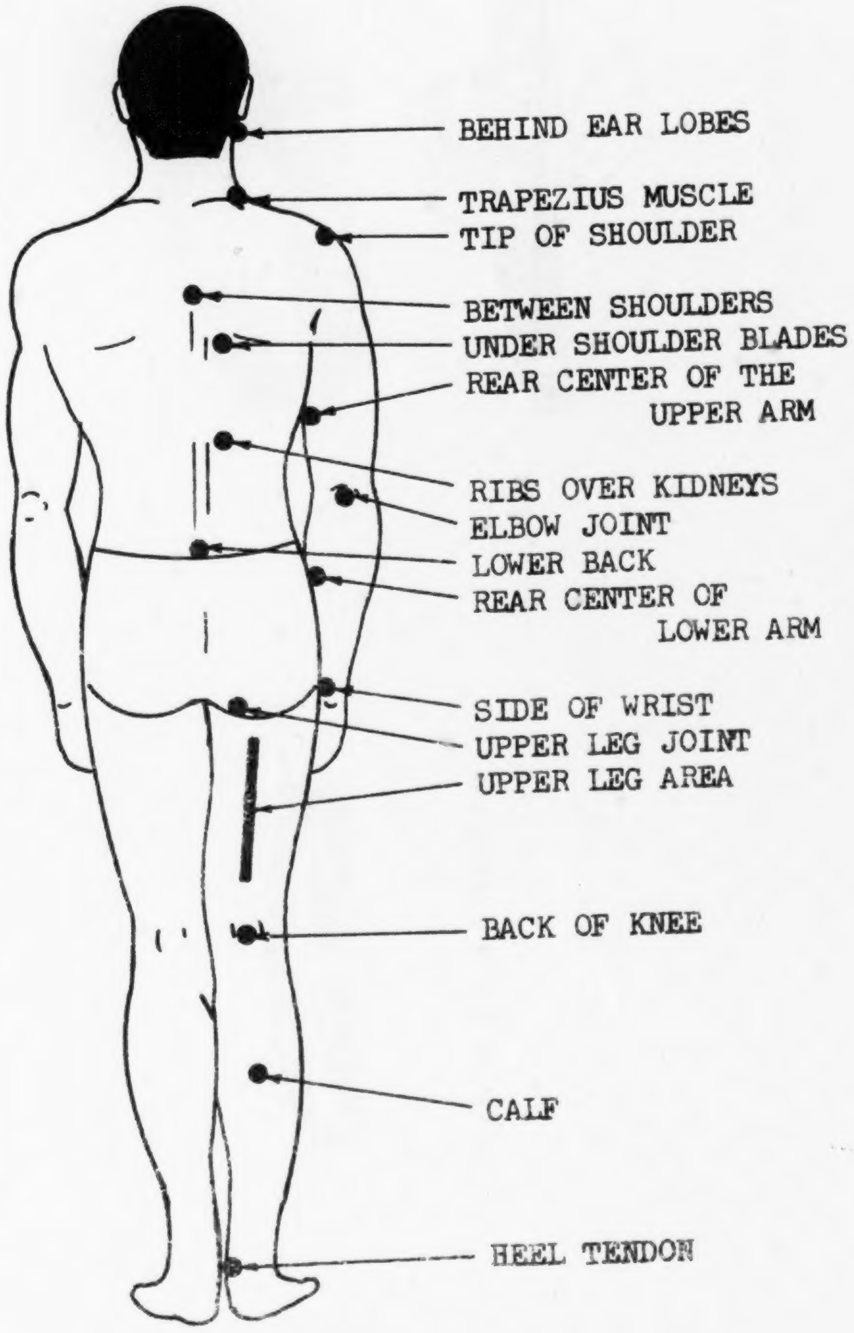
APPENDIX 37

VULNERABLE POINTS OF ATTACK

This chart shows some of the vital nerve and pressure point areas used in self-defense


EYES
EARS
UNDER NOSE
UNDER JAWBONE
NECK MUSCLES
BASE OF NECK
BEHIND COLLARBONE
ARMPIT
SIDE OF SOLAR PLEXUS
BELOW LAST RIB
INSIDE OF ELBOW
STOMACH
ABDOMEN ABOVE BLADDER
WRIST JOINT
BACK OF HAND
GROIN
UPPER THIGH
LOWER THIGH
KNEE
SHIN BONE
ANKLE & INSTEP

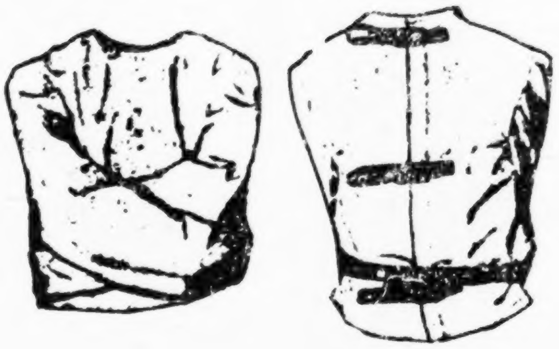
FRONT


BEHIND EAR LOBES
TRAPEZIUS MUSCLE
TIP OF SHOULDER
BETWEEN SHOULDERS
UNDER SHOULDER BLADES
REAR CENTER OF THE UPPER ARM
RIBS OVER KIDNEYS
ELBOW JOINT
LOWER BACK
REAR CENTER OF LOWER ARM
SIDE OF WRIST
UPPER LEG JOINT
UPPER LEG AREA
BACK OF KNEE
CALF
HEEL TENDON

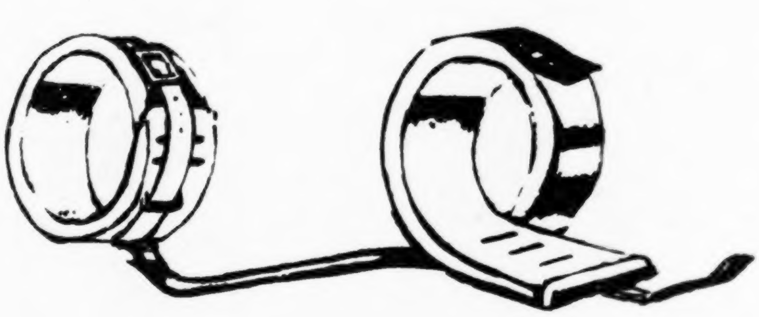
REAR

APPENDIX 38

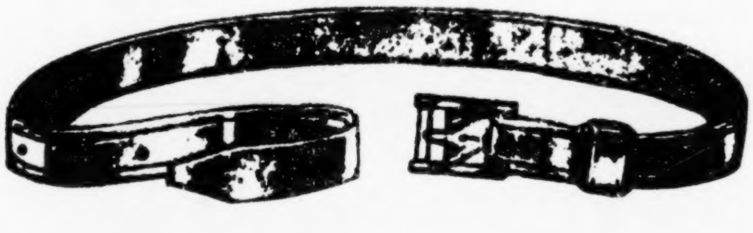
COMMERCIAL RESTRAINT DEVICES



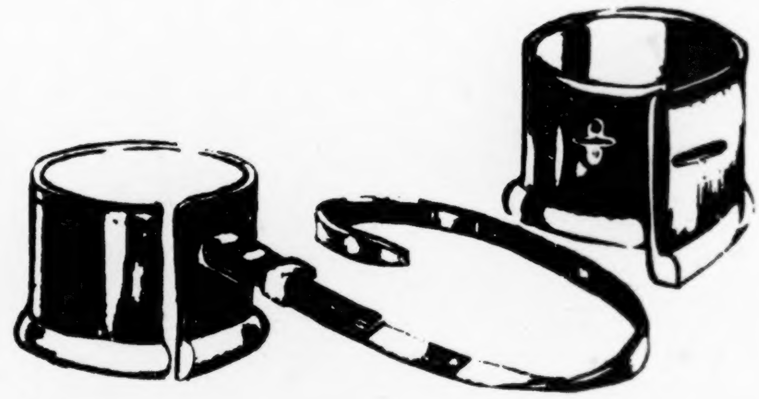
STRAIT JACKET



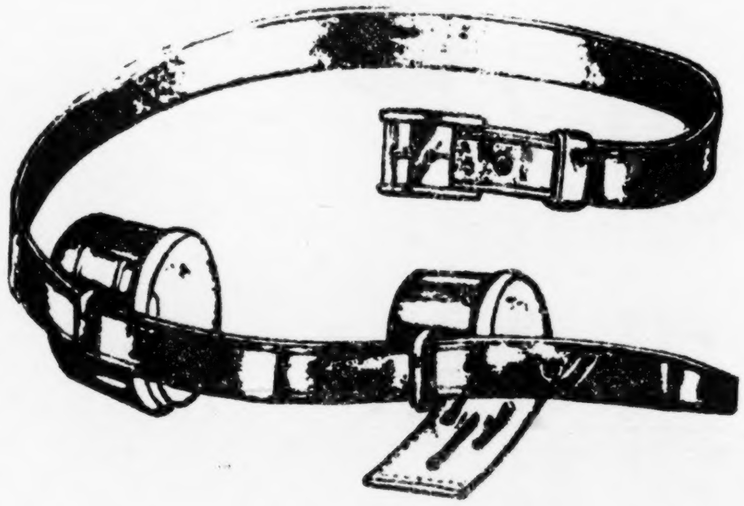
ANKLETS WITH LOCK ON EACH CUFF



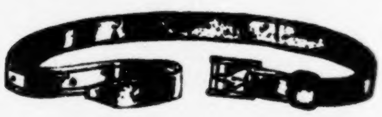
WAIST STRAP WITH BUCKLE LOCK



ANKLETS WITH LOCK STRAP



WRISTLETS WITH WAIST STRAP



ALL PURPOSE LOCK STRAPS

APPENDIX 39

PARTIAL LIST OF COURT DOCUMENTS

Summons - Money Only
Summons - On Answer and Cross-Petition
Summons - In Action for Divorce and Alimony
Summons - On Answer and Cross Petition in Divorce
Notice to Petit Juror
Subpoena - Grand Jury
Subpoena - Duces Tecum
Subpoena - Petit Jury
Subpoena - Criminal Case
Order of Attachment
Inventory and Appraisement of Property Attached
Affidavit for Order of Delivery - In Replevin
Verdict - For Plaintiff - In Replevin
Verdict - For Defendant - In Replevin
Order of Sale
Certificate of Release and Satisfaction of Mortgage
Journal Entry. Order Approving Appraisement and for Bond
Order of Appraisement
Writ of Partition
Writ of Dower
Notice (General Form)
Warrant to Arrest on Indictment
Warrant to Arrest on Information
Warrant to Arrest
Bench Warrant
Indictment for - - - - - - - - -
Petition for Habeas Corpus
Writ of Habeas Corpus - in custody
Writ of Habeas Corpus - not in custody
Notice of Application for Temporary Alimony
Praecipe for Subpoena. Civil Case
Praecipe for - - - - - - - - -
Waiver of Notice or Summons and Appearance
Waiver of Summons and Appearance - civil action
Summons - Probate Court
Subpoena - Probate Court

APPENDIX 40

Civil Process Service - Terms Commonly Used.

GLOSSARY:

1.	Amercement -	usually monetary penalty imposed by a court upon its own officers for neglect of duty, or failure to pay over moneys collected. In particular, the remedy against the sheriff for failing to levy an execution or make return of proceeds of sale.
2.	Answer -	in pleading, under the Codes of Civil Procedure, the answer is the formal written statement made by a defendant setting forth the grounds of his defense.
3.	Attachment -	The act or process of taking, apprehending, or seizing persons or property, by virtue of a writ, summons, or other judicial order, and bringing the same into the custody of the law; used either for the purpose of bringing a person before the court, of acquiring jurisdiction over property seized, to compel an appearance, to furnish security for debt or costs, or to arrest a fund in the hands of a third person who may become liable to pay it over.
4.	Bench Warrant -	Process issued by the court itself, or "from the bench," for the attachment or arrest of a person; either in case of contempt, or where an indictment has been found, or to bring in a witness who does not obey a subpoena.
5.	Capias - Latin	"That you take." The general name for several species of writs, the common characteristic of which is that they require the officer to take the body of the defendant into custody; they are writs of attachment or arrest.

Civil Process Service - Terms Commonly Used.

6.	Constructive service of process -	Any form of service other than actual personal service: notification of an action or of some proceeding therein, given to a person affected by sending it to him in the mails or causing it to be published in a newspaper.
7.	Defendant -	the person defending or denying: the party against whom relief or recovery is sought in an action or suit.
8.	Demurrer -	the formal mode of disputing the sufficiency in law of the pleading of the other side. An objection made by one party to his opponent's pleading, alleging that he ought not to answer it, for some defect in law in the pleading.
9.	Duces Tecum - Latin "to bring with you"	the name of a certain species of writs, of which the subpoena duces tecum is the most usual, requiring a party who is summoned to appear in court to bring with him some document, piece of evidence, or other thing to be used or inspected by the court.
10.	Habeas Corpus -	(you have the body) The name given to a variety of writs, (of which these were anciently the emphatic words,) having for their object to bring a party before a court or judge.
11.	Indictment -	An accusation in writing found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled, charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a public offense, punishable on indictment.

Civil Process Service - Terms Commonly Used.

12.	Injunction -	A prohibitive writ issued by a court of equity, at the suit of a party complainant, directed to a party defendant in the action, or to a party made a defendant for that purpose, forbidding the latter to do some act, or to permit his servants or agents to do some act, which he is threatening or attempting to commit, or restraining him in the continuance thereof, such act being unjust and inequitable, injurious to the plaintiff, and not such as can be adequately redressed by an action at law.
13.	Mandamus -	We command. This is the name of a writ which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived.
14.	Personal service -	Personal service of a writ or notice is made by delivering it to the person named, in person, or handing him a copy and informing him of the nature and terms of the original.
15.	Plaintiff -	a person who brings an action: the party who complains or sues in a personal action and is so named on the record.

Civil Process Service - Terms Commonly Used.

16.	Praecipe -	An original writ, drawn up in the alternative, commanding the defendant to do the thing required, or show the reason why he had not done it. Also an order, written out and signed, addressed to the clerk of a court, and requesting him to issue a particular writ.
17.	Replevin -	A personal action from a delict, tort, fault, crime or misfeasance brought to recover possession of goods unlawfully taken.
18.	Residential Service -	leaving the writ or notice at the usual residence of the person named therein only after diligent effort has been put forth to establish that the person named therein does actually reside at the residence.
19.	Rule to Show Cause -	A rule commanding the party to appear and show cause why he should not be compelled to do the act required, or why the object of the rule should not be enforced.
20.	Subpoena -	The process by which the attendance of a witness is required is called a "subpoena." It is a writ or order directed to a person, and requiring his attendance at a particular time and place to testify as a witness.
21.	Summons -	A writ, directed to the sheriff or other proper officer, requiring him to notify the person named that an action has been commenced against him in the court whence the writ issues, and that he is required to appear, on a day named, and answer the complaint in such action.

Civil Process Service - Terms Commonly Used.

22.	Warrant -	1. A writ or precept from a competent authority in pursuance of law, directing the doing of an act, and addressed to an officer or person competent to do the act, and affording him protection from damage, if he does it. 2. Particularly a writ or precept issued by a magistrate, justice, or other competent authority, addressed to a sheriff, constable, or other officer, requiring him to arrest the body of a person therein named, and bring him before the magistrate or court, to answer, or be examined, touching some offense which he is charged with having committed.
23.	Writ -	A precept in writing, couched in the form of a letter, running in the name of the king, president, or state, issuing from a court of justice, and sealed with its seal, addressed to a sheriff or other officer of the law, or directly to the person whose action the court desires to command, either as the commencement of a suit or other proceeding or as incidental to its progress, and requiring the performance of a specified act, or giving authority and commission to have it done.

(Courtesy of West Publishing Company, Black's Law Dictionary)

POTENTIAL SOURCES FOR PREPARED CRIME PREVENTION MATERIALS

This is not a comprehensive list of all available sources. It should be born in mind that this also provides a guide to sources of information and safety materials.

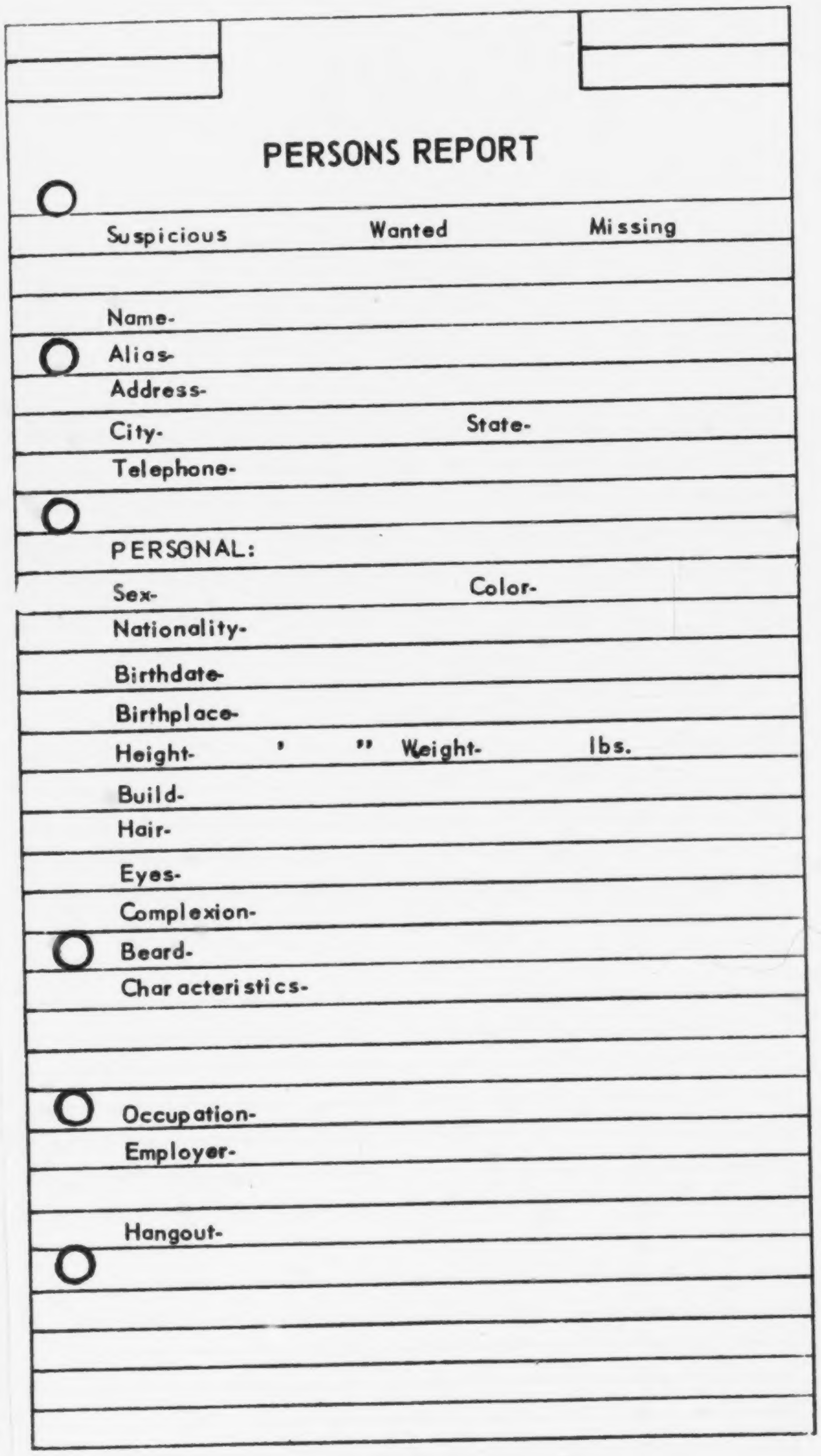
Automobile Club
Bankers Association
Better Business Bureau
Chamber of Commerce
Civil Defense
Federal Bureau of Investigation
Federal Post Office Department
Federal-State-Local Departments of Health
Federal Treasury Department
Insurance Companies
National Auto Theft Bureau
National Safety Council
Police and Sheriffs Departments
Publishers - Newspaper and others
State Bureau of Motor Vehicles
State Department of Agriculture
State Department of Commerce
State and Federal Narcotics Bureau
State Fire Marshal
State Highway Department
State Department of Liquor Control
State Department of Natural Resources
Telephone Company
Utilities

SUGGESTED LIST OF CRIMES FOR WHICH PREVENTION SHOULD BE LEARNED AND ADVOCATED

This is not an exhaustive list but rather one that includes those crimes usually occurring most often. You may add your list to these.

Auto Theft
Bogus Check
Burglary
Child Molestation
Confidence Rackets
Counterfeit Money
Employee Theft
Larceny
Robbery
Shoplifting
Till-tapping

APPENDIX 43



PERSONS REPORT

Suspicious Wanted Missing

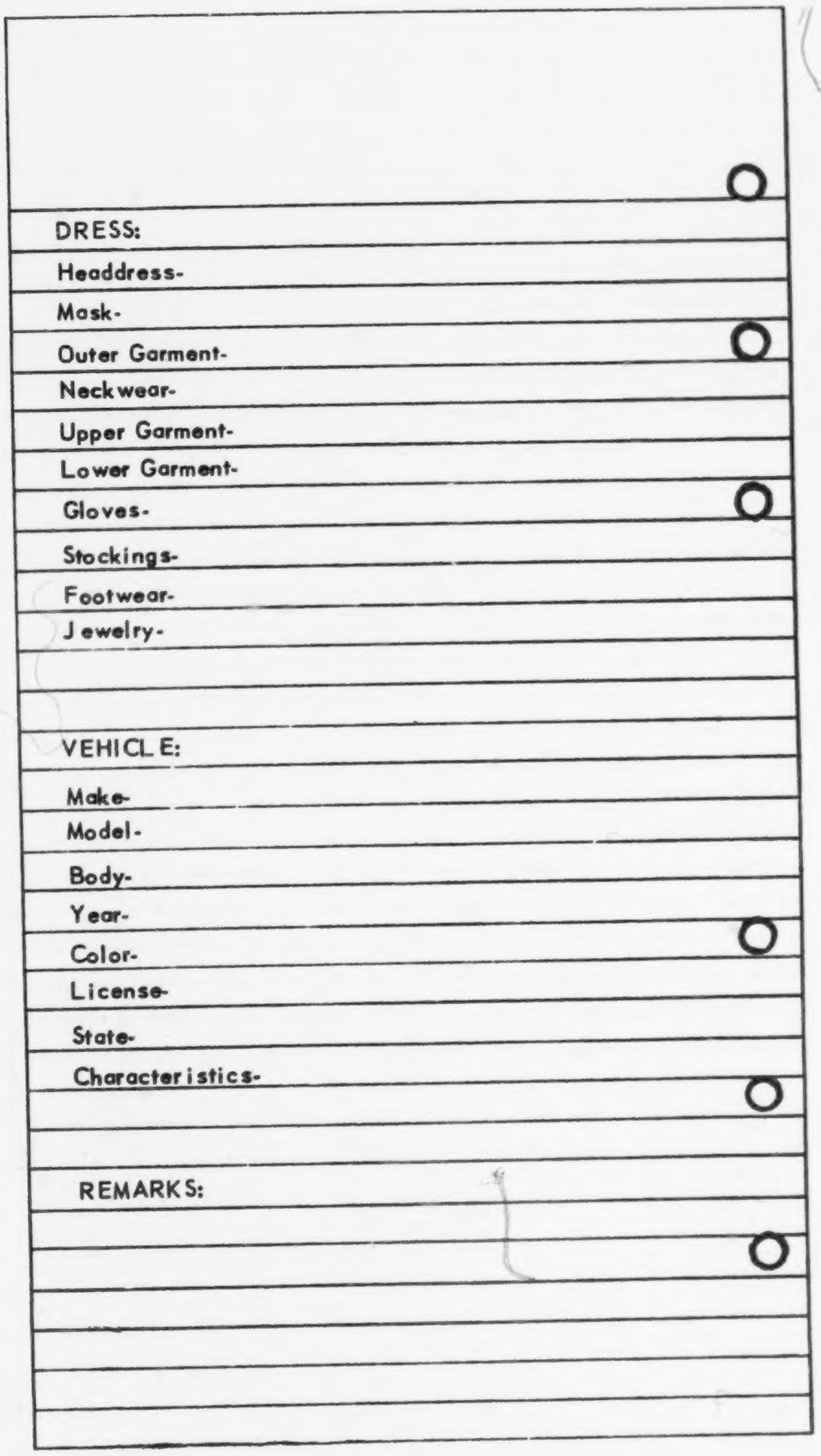
Name-
Alias-
Address-
City- State-
Telephone-

PERSONAL:
Sex- Color-
Nationality-
Birthdate-
Birthplace-
Height- ' " Weight- lbs.
Build-
Hair-
Eyes-
Complexion-
Beard-
Characteristics-

Occupation-
Employer-

Hangout-

Front Side



DRESS:
Headdress-
Mask-
Outer Garment-
Neckwear-
Upper Garment-
Lower Garment-
Gloves-
Stockings-
Footwear-
Jewelry-

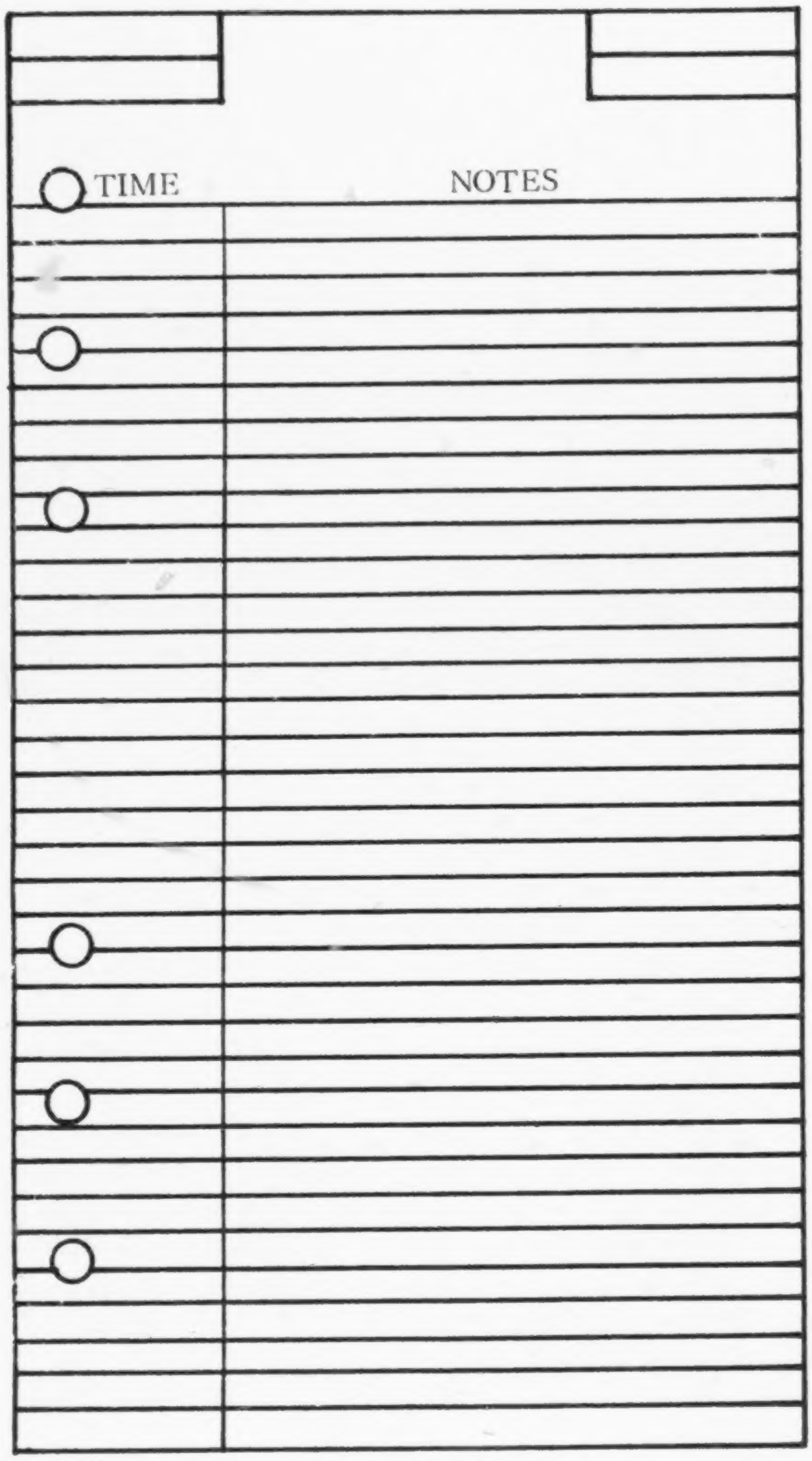
VEHICLE:
Make-
Model-
Body-
Year-
Color-
License-
State-
Characteristics-

REMARKS:

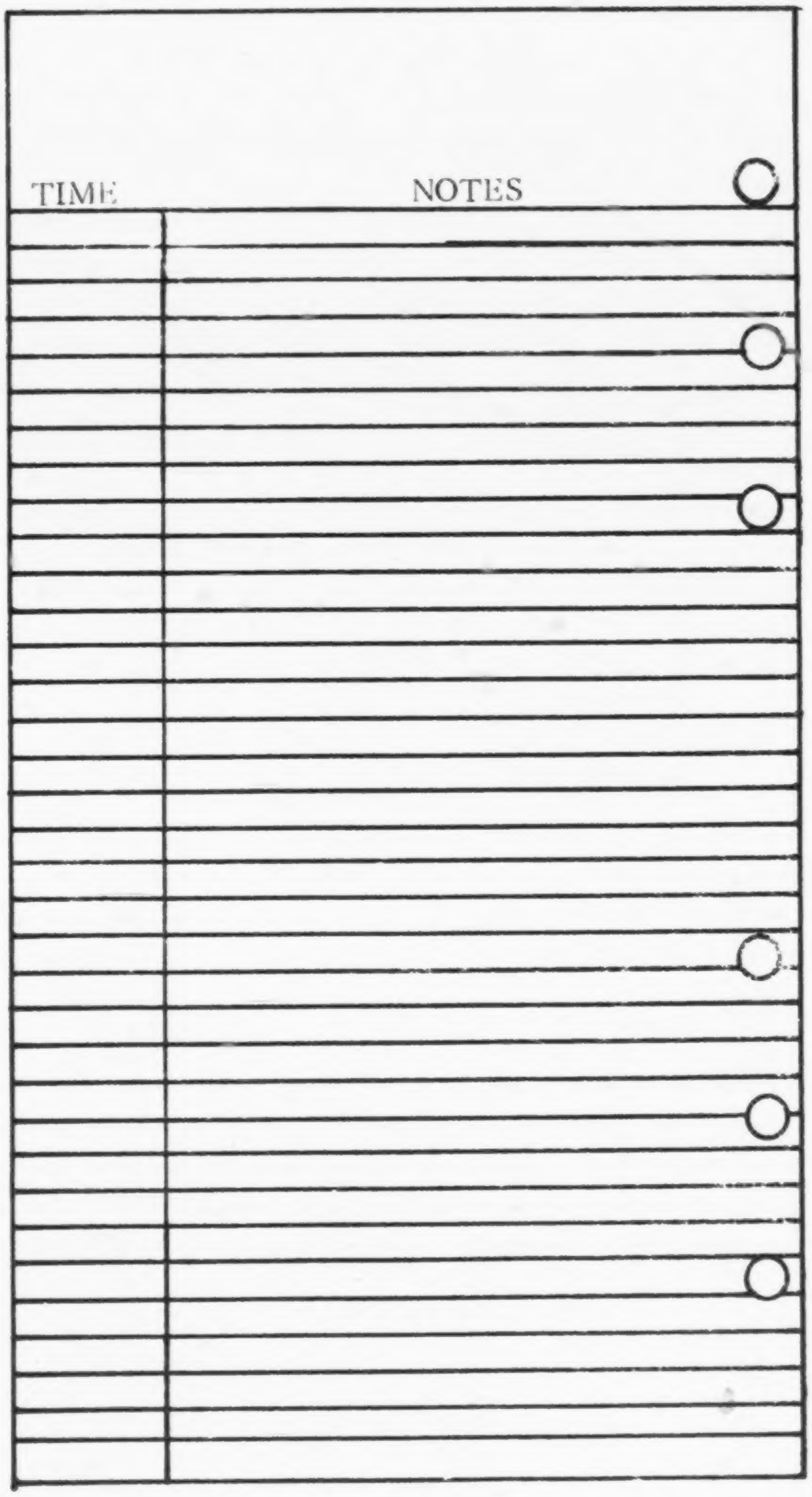
Back Side

PERSONS REPORT

APPENDIX 44



Front Side



Back Side

FIELD NOTEBOOK LOG

APPENDIX 45

(FRONT)

REPORT OF DEATH

Natural Accidental Suicide Homicide

Name:
Alias:
Address:
City: State:

PERSONAL:
Sex: Color:
Nationality:
Birth Date:
Birth Place:
Height: ' " Weight:
Build:
Hair:
Eyes:
Complexion:
Beard:
Characteristics:

Occupation:
Employer:

Dress:
Headdress:
Outer Garments:

Upper Garments:

(BACK)

Lower Garments

Neckwear:

Gloves:
Stockings:
Footwear:
Jewelry:

Personal Belongings:

Coroner or Doctor:

Ruling of Cause of Death:

Circumstances:

REPORT OF DEATH

APPENDIX 46

RULES OF EVIDENCE

A. Every officer should know what evidence is usable and what is valuable.
   1. Lack of knowledge results in his inability to
      a. Be of maximum help to the prosecuting attorney
      b. Be able to present the case in court and to his own department
   2. Knowledge of the rules results in his ability to
      a. Look for the proper kind of evidence
      b. Recognize the kind of evidence he can use in court
      c. Consider value of the evidence before a jury
      d. Write a good report covering the investigation

B. Criminal cases are won or lost at the scene of crime
   1. Due to lack of understanding of rules of evidence, cases are sometimes lost because
      a. Evidence is overlooked which should be obtained
      b. Evidence is obtained which cannot be used.

C. Final test of any investigation is not whether the evidence looks good on paper, but whether it is good at the trial of the case.

D. Police officer who does not understand rules of evidence can be likened to a civil engineer who does not understand algebra or a ballplayer who does not know baseball rules. Neither can do a good job.

E. Rules of evidence are the outgrowth of criminal law dating back hundreds of years
   1. Primitive men settled disputes by battle
   2. Later on men settled disputes by ordeal
      a. Holding hot stones, swimming river, etc.
      b. Believed supernatural power would protect innocent and punish guilty
   3. Later on, Anglo-Saxons used "compurgation"; that is, having witnesses swear to a suspect's character.
   4. The first jury trials in England were made up of jurors who were required to know all about the case in advance
   5. At the beginning of the first trials in England the defendant was not competent to take the stand as a witness and deny his guilt

PRESENTATION:

A. Definitions
   1. Evidence may be defined as the legal means of proving or disproving any alleged fact, the truth of which is before a court for determination.
   2. Proof is the effect of evidence, the establishment of a fact by evidence.
   3. The law of evidence is a collection of general rules established by law:
      a. For declaring what is to be taken as true without proof
      b. For declaring the presumptions of law, both those which are disputable and those which are conclusive; and
      c. For the exclusion of whatever is not legal
      d. For determining, in certain cases, the value and effect of evidence

4. There are a great many of these rules:
    a. Some are written statutes.
    b. Some are English Common Law
    c. Judicial decisions interpreting the statutes and English Common Law.

B. Three major types of evidence:
1. Real Evidence - speaks for itself - any object is considered a real object of evidence - physical objects, e.g. photos, glass, gun, etc.
    a. Requires no explanation; merely identification
2. Direct Evidence - is the immediate experience on the part of a witness. Anything a person knows of his own knowledge, e.g. I saw Smith shoot Jones.
    a. Anything you have seen, felt, smelled, tasted, or heard.
        (1) I saw the defendant shoot the deceased with a shotgun.
        (2) I felt the sharp edge of the knife pressing against my throat.
        (3) I smelled smoke coming into my window.
        (4) I tasted the drink and it was bitter.
        (5) I heard three explosions in the dark which sounded like gunfire.
    b. Direct evidence is that evidence which is revealed to a person through either of the five senses.
3. Circumstantial Evidence - the essence of circumstantial evidence is inference.
    a. There is always some element of doubt in circumstantial evidence.
    b. Circumstantial evidence very necessary because crimes are secret.
    c. Round about evidence - inference.

C. Relevance and Irrelevance
1. Evidence which tends to establish a fact at issue is relevant.
    a. To relate, means to be applicable to.
    b. Some of the evidentiary matters considered relevant are:
        (1) Escape and attempt to escape.
        (2) Attempt to commit suicide.
        (3) Motive for the crime.
        (4) Ability of defendant to commit a crime.
        (5) Means of committing offense and articles connected therewith.
        (6) Threats or expressions of ill will by the accused.
        (7) Conduct and declarations of accused at time of arrest or flight.
        (8) Concealment of identity, etc.,
2. Too much evidence which is relevant to be admitted - the judge to screen that which he deems unimportant to the trial.
3. Relevancy is the number one test of admissibility.

D. Materiality and Immateriality
1. The terms are roughly equivalent to those of relevant and irrelevant.
2. Evidence is only material when it affects a fact or issue in the case significantly.
3. Material means MATTER, something of consequence. Material means whether a thing is remote or not.
4. It must have some bearing on the case or the subject.

E. Competency and Incompetency
  1. The term usually applies to a witness.
    a. The wife cannot testify against her husband.
  2. Not all persons are competent witnesses.
    a. Child too young to understand the meaning of the oath.
    b. Insane person may testify under certain conditions.
  3. SUMMARY:
    a. Relevancy - to relate
    b. Materiality - whether or not remote
    c. Competency - ability to testify

F. Impeachment of a Witness
  1. Means to discredit a witness
    a. Lack of mental capacity
    b. Too young
    c. Conviction for previous offense.
    d. Reputation for lack of veracity, shown by other witnesses or own inconsistent statements.

G. Some other tests of admissibility
  1. Photographs (not to be prejudicial)
  2. Public Policy - police officer not required to divulge source of information.
  3. Privileged information - confidential communication to ones attorney.
  4. Judicial notice:
    a. Matters of general knowledge
    b. Geographic facts.
    c. Historic facts.
    d. Words, phrases and abbreviations.
    e. Weights and measures
    f. Political organization of branches of government.
  5. Burden of proof - always on the state
  6. Legal Presumptions:
    a. Presumed to know the law.
    b. Presumption against suicide.
    c. Presumption of sanity.
    d. Presumption of good character, chastity, etc.
    e. Presumption of sobriety.
    f. Presumption of legitimacy of children and the validity of a marriage.
    g. Presumption of death after an unaccounted for absence of seven years.

THE HEARSAY RULE AND ITS EXCEPTIONS:

  1. Confessions
    a. Must be voluntary admission against interest made by defendant in a criminal case.
    b. Must be in writing in Texas after defendant has been warned of his constitutional right.
  2. Tacit confessions (Not used in Texas)
  3. Conversation in presence of defendant

4. Dying declarations
   a. Declarant must be dying
   b. Must know that he is dying
   c. The declarant must have given up all hope of recovery.
   d. The declarant must die.
   e. The declaration can be used only at the criminal homicide trial for the death of deceased.
5. Res Gestae ("res" means things, "estae" means of the same origin)
   a. Spontaneous declarations
   b. Will speak truth if he speaks before he has time to fabricate story.
   c. Declaration or statement must not have been made in response to question.
6. Public records or reports
   a. Must be made in the course of the official duties of a public officer.
   b. Statutes of other states, municipal ordinances, judicial records, and judgments, birth, marriage and death certificates, are admissible.
7. Regular entries in the course of business.
   a. Must have been made at the time of the occurrence of the fact at issue.
   b. Entry must have been made in the usual course of business
8. Matters of Pedigree
   a. Matters of birth, death, marriage and family relationship
      (1) restricted to members of family and servants.
9. Reported Testimony
   a. Previous trial - testimony given involving the same defendant

CORPUS DELICTI

A. Definition
   1. Corpus delicti is latin term meaning the "body of the offense"
      a. The facts and situations which go to make up the commission of a crime.
   2. No person shall be convicted of a crime on the strength of his confession alone.
   3. The crime must be proved by some evidence other than that supplied by the defendant (confession).
   4. Corpus delicti does not mean the body of the deceased.
   5. It is not necessary that the prosecution prove absolutely or beyond a reasonable doubt, corpus delicti.
   6. Example of establishing corpus delicti where person was pushed into furnace and body consumed by fire.
   7. Principles governing the rule of Corpus delicti:
      a. A confession cannot be used to establish corpus delicti
      b. Proof of corpus delicti must be sustained before a conviction can follow.
      c. Corpus delicti need not be proved conclusively, nor even beyond a reasonable doubt. Only sufficient corroborative evidence to show the existence of an offense.

d. Proof of corpus delicti may be made by direct, real or circumstantial evidence or any combination of these three. If evidence meets the usual tests of admissibility, it can be used to substantiate corpus delicti.
e. Confessions of co-defendants and accomplices may be used to establish corpus delicti.
f. The more grave the case, the more strict will be the courts interpretation of the rule.

APPENDIX 47

CRIME SCENE INVESTIGATION OF A HOMICIDE

	Yes	No
Did investigator note time he received call?	____	____
Did investigator note time he arrived at scene?	____	____
Did investigator identify himself to those at scene?	____	____
Did he ascertain who perpetrator is and arrest immediately if possible?	____	____
Did he clear scene of bystanders?	____	____
Did he identify those present?	____	____
Did he prevent anyone from touching the body or disturbing other evidence?	____	____
Did he prevent unauthorized persons from entering the scene?	____	____
Did he take names and addresses of all persons present?	____	____
Did he keep witnesses separated to prevent conversation?	____	____
Did he get a flash description of suspect from witnesses?	____	____
Did he put out a flash broadcast on description of suspect?	____	____
Did he assign specific task to each detective?	____	____
Did he take notes on all details of his work?	____	____
Did he examine the position of the body?	____	____
Did he examine the clothing and note its position?	____	____
Did he photograph the crime scene from all angles?	____	____
Did he photograph the body?	____	____
Did he take measurements of the location of the body in relation to fixed objects?	____	____
Did he take measurements of the location of physical evidence?	____	____
Did he note whether he found the body lying on the side, back or abdomen?	____	____
Did he make a systematic search of the floor for evidence?	____	____

APPENDIX 47 (cont.)

	Yes	No
Did he make a systematic search of the walls and ceiling for evidence?	___	___
Did he note exactly where weapon was found?	___	___
Did he note type of weapon?	___	___
Did he take down serial number of weapon?	___	___
Did he mark his initials on the butt or frame for future identification?	___	___
Did he pick up the weapon so as to avoid spoiling fingerprints?	___	___
If weapon is an automatic pistol, did he note the location of where fired cartridges were found?	___	___
Did he have the clip examined for fingerprints?	___	___
Did he fingerprint victim?	___	___
Did he make parafin test on victim?	___	___
Did he positively identify the victim?	___	___
Did he notify the District Attorney?	___	___
Did he call for the coroner?	___	___
Did he have a medical examiner examine the wounds?	___	___
Did he have the medical examiner examine the back of the body?	___	___
Did he examine the ground under the body?	___	___
Did he draw a sketch of the position of the body?	___	___
Did he draw an outline around the body with chalk to note position in case body had to be moved?	___	___
Did he note the time the homicide squad arrived?	___	___
Did he note the position of the sun or moon?	___	___
Did he note weather such as rain, snow, frost or thaw affected visibility?	___	___
Did he note the direction and force of the wind?	___	___
Did he examine the doors and windows, furniture, etc. for probable direction of entry?	___	___

APPENDIX 47 (cont.)

	Yes	No
Did he note whether doors were open, closed, or had been moved?		
Did he note and mark location of bullet holes, empty shells and blood stains?		
Did he search for visible latent fingerprints?		
Did he search for plastic and surface footprints?		
Did he search for strands of hair?		
Did he search for strands of cloth?		
Did he search for traces of tools?		
Did he search for cut telephone wires?		
Did he search for traces of teeth marks on victim?		
Did he search for buttons, cigarette butts, etc.?		
Did he search the grounds about the premises or vacant lot?		
Did he note the vegetation and condition of soil?		
Did he determine the movements of victim and murderer?		
Did he take photographs to show body in original condition with relation to stationary objects?		
Did he carefully plan the photography?		
Did he make a diagram of the scene?		
Did he investigate every theory?		
Did he properly preserve the evidence?		
Did he record findings in a note book?		
Did he get statements of eye witnesses?		
Did he determine the route of the murderer?		
Did he reconstruct the movements of the murderer?		
Did he determine if the murderer was wounded?		
Did he determine if the murderer's clothes would be soiled?		

APPENDIX 47 (cont.)

	Yes	No
Did he check places frequented by suspect?	____	____
Did he check with associates of suspect?	____	____
Did he check with the suspect's sweetheart, friends, enemies or relatives?	____	____
If suspect is arrested, did he search clothing, fingernails, etc, for blood?	____	____
If the scene had peculiar dust, soil or other substances, did he search suspect's clothing, fingernails, shoes, etc.?	____	____
Did he search subject for letters, addresses, telephone numbers or photographs?	____	____
Did he immediately mug and fingerprint the suspect?	____	____
Did he note everything said by suspect before arrest was made?	____	____
Did he carefully mark, identify and preserve all evidence found in the suspects possession that would have anything to do with the crime?	____	____
Did he note the unguarded statements of witnesses or bystanders?	____	____
Did he obtain a search warrant and search the suspects dwelling?	____	____
Did he check suspect's shoes and compare them with the photographs made at the scene?	____	____
Did he question suspect at time of arrest?	____	____
Did he question suspect after arriving at police headquarters?	____	____
Did he obtain a legal statement from suspect?	____	____
Did he question the witnesses in order of their importance?	____	____
Did he get signed statement from the witnesses?	____	____
Did he go back to the scene of the crime and search again in an ever widening circle for other evidence that might strengthen the case?	____	____
Did he carefully prepare his case envelope?	____	____

APPENDIX 47 (cont.)

	Yes	No
Did he go over the case thoroughly with the District Attorney and ask his advice?	____	____
Did he store all evidence under lock and key?	____	____
Did he assist the Prosecuting Attorney in getting the proper charge against the suspect?	____	____
Did he properly present his case to the grand jury?	____	____
Did he carefully note any change of address of witnesses and notify the Prosecutor of same?	____	____
Did he go over the case again before trial with the Prosecutor?	____	____

APPENDIX 48

INTERVIEWS

A. Purpose
  1. To secure specific information about a fact, event, situation, or occurrence.
  2. It is different from interrogation.
    a. Interrogation attempts to establish extent of involvement.
    b. Interview seeks information.

B. Importance
  1. All information except physical and by sight will come from interview.

C. Time and place
  1. As soon after the incident as possible.
  2. Much information from interviews will result from on-the-scene contacts -- accidents and crime scenes.
    a. Get basic facts here and get other information under better conditions.
  3. Reluctant witnesses, additional witnesses and those missed at the scene will be contacted later.
    a. Business men at their places of business.
    b. Professional people at their office.
    c. Women and children in the home.
    d. Telephone to be sure they are available.
    e. Adequate time should be allowed. Do not rush.
    f. Ask person being interviewed if privacy is desired.
    g. You may have to interview at police station.
    h. Seat parents behind children or just outside open door if they must be present while interviewing children.
  4. Delay interview of person emotionally upset or at least interview again.
  5. You may have to delay interview where person is tired or hungry.
  6. If you have time, get facts and background information beforehand.

D. Types of Interviews.
  1. Complaints.
  2. Victims.
  3. Witnesses.

E. The Interviewer Must Have
  1. An alert mind.
  2. A knowledge of people.
  3. The ability to act.
  4. Ability to listen.
  5. Lack of prejudice.
  6. Self possession.
  7. Knowledge of.
    a. Criminal investigation.
    b. The Case.
    c. Pertinent laws.
  8. Understanding of what you are trying to develop from the interview.

9. Proper sensitivity - advance and retreat.
10. Empathy.
11. Ability to talk on same level with person being interviewed.

F. Techniques for Interviewing.
   1. Get acquaninted.
      a. Greeting must be cordial and sincere.
      b. Identify yourself.
      c. Put the person at ease.
   2. Develop Rapport.
      a. Establish harmonious relationship.
      b. Respect the subject as a person.
      c. Control your personal feelings.
   3. Motivate the subject.
      a. Negative factors.
         1. Anti-police attitude.
         2. Fears retaliation by the culprit or associates.
         3. Does not want to get involved in a matter "Which does not concern him".
         4. Fears for the safety of his family or friends.
         5. Court trial costs him money. The word "witness" implies a day in court and loss of pay.
         6. The language barrier.
      b. Positive factors.
         1. Knows giving information is the thing to do.
         2. A sincere desire to tell the truth.
         3. Wants to help because of his respect in their ability to get the job done properly.
         4. Wants to give information to clear himself.
         5. Wants to help the interviewer because he understands him.
   4. Keep the subject talking.
      a. You cannot learn much if you do all the talking.
      b. Ask him to tell the story in his own words.
      c. Ask him single questions -- not rapid fire.
      d. Watch out for inconsistencies.
      e. Watch how he says it.
      f. Watch for changing subject -- usually indicates information being withheld.
      g. Ask exact questions after he finishes his statement.
      h. Do not ask questions to be answered by yes or no.
      i. Be careful that opinions are not passed on to you as facts -- some people's opinions are good but should be shown in report as opinions.
      j. Do not use leading questions.
         1. You do not get objective answer.
         2. You influence the answer by this.
      k. Ask simple, logical questions.
      l. What else can you tell me?
         1. This gives him chance to fill in any detail that may have been forgotten.
      m. Dominate the interview.
         1. Assume business-like attitude.

APPENDIX 48 (cont.)

5. Impress upon subject that you are just trying to get the facts.
    a. Avoid clash of personalities.
    b. Avoid undue familiarity.
    c. Avoid the use of profanity and violent expressions such as "kill", "steal", "confess", or "murder".
    d. Avoid distracting mannerisms like pacing the floor.
6. Keep in mind the credibility of the subject.
    a. Character, reputation for veracity, his interest in the case, and his ability to interpret and describe occurrences.
7. Evaluation of interview.
    a. Mannerism and emotional state of subject.
    b. Evasiveness, hesitation, or unwillingness -- Lack of cooperation.
    c. Dry mouth and nervousness - deception.
    d. Cold sweat or pale face may indicate fear.
    e. A slight gasp, holding breath or unsteady voice may indicate subject is shocked.
    f. Ruddy or flushed face may indicate anger or embarrassment.
8. Interview notes.
    a. Record is important and notes should be made at time of interview or shortly thereafter.
    b. Do not scare subject by taking notes but take them at the time if possible.
    c. Notes should include:
        1. Name of person interviewed.
        2. Time, dates and place of interview.
        3. People present during interview.
9. Non-Directive Approach.
    a. Repeat last statement of subject with rising inflection on last word so that it becomes a question.

G. Ending the interview
    1. Close conversation in courteous and friendly manner.
    2. You may wish to summarize.
    3. Let him know you appreciate his cooperation.
    4. Show concern by inquiring if he needs assistance to return home

DUE PROCESS IN CRIMINAL INTERROGATION

I. THE BASIC RULE

The basic rule is that "No person shall ... be deprived of life, liberty, or property, without due process of law." Any confession obtained in violation of due process is inadmissible in evidence, and any conviction obtained after a trial in which such a confession was used must be reversed. Due process is a Federal constitutional right, guaranteed in both the Fifth Amendment, which applies to Federal officers, and the Fourteenth Amendment, which applies to State officers. The meaning is the same in both amendments.

II. THE COMMON PROBLEM

Due process in criminal interrogation creates a problem for the courts, the public and the police.

A. Courts -a problem of definition and application to cases.
B. Public -a problem of public safety against the criminal on one hand and abusive law enforcement on the other.
C. Police -a problem of convicting the guilty as the public demands, yet doing so without straying from the rules which the courts demand.

III. HISTORICAL DEVELOPMENT OF THE RULE

The present definition of due process, as applied to confessions, has developed from many centuries of changing social and judicial attitudes on what is right and wrong in methods of criminal interrogation.

A. No due process--some 4 to 5 centuries ago there was virtually no due process in criminal interrogation. The test of admissibility of a confession was whether the prisoner said the words. The government used various forms of torture to extract confessions and to punish.
   1. The rack
   2. The screw
   3. The wheel
   4. Red pepper (India)
B. Elementary due process--by the early 1700s torture was officially abolished in Anglo-Saxon law, and elementary due process appeared in criminal interrogation. By the late 1700s a confession was made inadmissible in evidence if it had been obtained by:
   1. Physical coercion, such as beating
   2. Threats
   3. Promises
C. Federal and State due process established--the right of due process against Federal officers was placed in the Fifth Amendment to the Federal Constitution as a part of the "Bill of Rights." Similar provisions were placed in the State constitutions. But there was no Federal right of due process enforceable against State officers.
D. Federal right of due process established against all officers --passage of the Fourteenth Amendment after the Civil War, including a due process clause in it, for the first time guaranteed a Federal right of due

process in criminal interrogation which the Federal Courts could enforce against State officers. From this time forward, a confession taken by a State officer for use in a State court could be declared by a Federal Court to be void because it did not comply with the Federal standard of due process. The Federal Courts continued to adhere, however, to the elementary definition of due process, excluding only those confessions obtained by physical coercion, threats and promises.

E. Broad definition of due process --in 1944 the Supreme Court broadened the Federal definition of due process to exclude from evidence not only confessions obtained by beating, threats and promises, but also those obtained under conditions which were "inherently coercive, "even though there had been no beatings, threats or promises. The Court measures what is or is not inherently coercive by reviewing the "totality of circumstances" in each case where the admissibility of the confession is at issue.

IV. CIRCUMSTANCES WHICH MAKE UP THE TOTALITY

Each of the following circumstances has been considered an important part of the "totality" in decisions reached by the United States Supreme Court:

A. AGE -- A minor may not properly be questioned for so long or so intensely as an adult. The lower the age, the more closely the courts scrutinize police conduct during the interrogation. Haley v. Ohio, 332 U.S. 596 (1948); Payne v. Arkansas, 356 U.S. 560 (1958).

B. MENTALITY -- Police interrogation must be in proportion to the mental condition of the person being questioned. Fikes v. Alabama, 352 U.S. 191 (1957); Payne v. Arkansas, supra; Spano v. New York, 360 U.S. 315 (1959).

C. EDUCATION -- The permissible limits of interrogation vary according to the educational level of the person being questioned. Harris v. South Carolina, 338 U.S. 68 (1949); Spano v. New York, supra; Fikes v. Alabama, supra; Payne v. Arkansas, supra; Crooker v. California, 357 U.S. 433 (1958).

D. CRIMINAL EXPERIENCE -- The police have wider latitude in questioning an experienced criminal than is permitted in the case of a person who has little or no criminal experience. Stein v. New York, 346 U.S. 156 (1953); Fikes v. Alabama, supra; Spano v. New York, supra.

E. BASIC NECESSITIES -- The extent to which the police did or did not allow the person under interrogation to have a proper amount of sleep, food and clothing is a relevant circumstance. Watts v. Indiana, 338 U.S. 49 (1949); Payne v. Arkansas, supra; Spano v. New York, supra.

F. NATIONALITY -- The nationality of the person being interrogated, or even the national origin of a naturalized citizen, may be an important circumstance, particularly where he is to some degree unfamiliar with the customs or the language of this country. Gallegos v. Nebraska (dissent) 342 U.S. 55 (1951); Spano v. New York, supra.

G. REASON FOR ARREST -- Police failure to advise the person arrested of the charge against him has been mentioned in cases where the confession was held to be void. *Turner v. Pennsylvania*, 338 U.S. 62 (1949); *Harris v. South Carolina*, supra.

H. INTERROGATION --Each of various aspects of the actual interrogation may become an important circumstance.

   1. *Number of questioners*. The total number of interrogators should be kept as low as reasonably possible. *Chambers v. Florida*, 309 U.S. 227 (1940); *Ashcraft v. Tennessee*, 322 U.S. 173 (1944); *Haley v. Ohio*, supra; *Spano v. New York*, supra; *Crooker v. California*, supra; *Ashdown v. Utah*, 357 U.S. 426 (1958).
   2. Total elapsed time. The longer the period of questioning, the greater is the tendency of the courts to view the confession with suspicion. *Fikes v. Alabama*, supra; *Haley v. Ohio*, supra; *Ashcraft v. Tennessee*, supra; *Watts v. Indiana*, supra; *Turner v. Pennsylvania*, supra; *Harris v. South Carolina*, supra; *Spano v. New York*, supra; *Ashdown v. Utah*, supra; *Cicenia v. LaGay*, 357 U.S. 504 (1958).
   3. Nighttime questioning. Aviod nighttime interrogation unless required by the exigencies of the case. *Haley v. Ohio*, supra; *Ashcraft v. Tennessee*, supra; *Watts v. Indiana*, supra; *Crooker v. California*, supra.
   4. Relay questioning. Continuous questioning by officers working in relays should be avoided. *Watts v. Indiana*, supra; *Ashcraft v. Tennessee*, supra; *Harris v. South Carolina*, supra.
   5. False inducements to confess. A false statement tending to induce the person to confess is an important circumstance for court consideration in determining the validity of the confession. *Spano v. New York*, supra; *Turner v. Pennsylvania*, supra; *Leyra v. Denno*, 347 U.S. 556 (1954).

I. VISITORS -- Police denial of an arrested person's request to see a lawyer, relative or friend, or their request to see him, is an important circumstance. *Fikes v. Alabama*, supra; *Haley v. Ohio*, supra; *Ashdown v. Tennessee*, supra; *Watts v. Indiana*, supra; *Turner v. Pennsylvania*, supra; *Harris v. South Carolina*, supra; *Spano v. New York*, supra; *Payne v. Arkansas*, supra; *Cicenia v. LaGay*, supra; *Crooker v. California*, supra; *Ashdown v. Utah*, supra.

J. PRELIMINARY HEARING -- Delay in preliminary hearing beyond the limit permitted by State law is an important circumstance. *Fikes v. Alabama*, supra; *Haley v. Ohio*, supra; *Watts v. Indiana*, supra; *Turner v. Pennsylvania*, supra; *Harris v. South Carolina*, supra; *Payne v. Arkansas*, supra; *Crooker v. California*, supra.

K. WARNING OF RIGHTS -- Whether the interrogating officers did or did not first warn the person of his constitutional rights is an important circumstance. *Haley v. Ohio*, supra; *Turner v. Pennsylvania*, supra; *Harris v. South Carolina*, supra; *Payne v. Arkansas*, supra; *Crooker v. California*, supra; *Ashdown v. Utah*, supra.

L. POLICE CONDUCT GENERALLY -- Police conduct toward the arrested person in general, even that occurring after the confession has been obtained, is scrutinized by the courts for such light as it may shed on the question of whether the confession was obtained by fair means or foul. Haley v. Ohio, supra.

The "totality of circumstances" rule should not be interpreted as meaning that the presence of any one of these circumstances, or any particular combination of them, requires that the confession be held void for lack of due process. The judgment will vary according to the number and severity of the circumstances. For cases in which the unfavorable circumstances were not too great, and the confession was upheld in the United States Supreme Court, see Cicenia v. LaGay, supra; Crooker v. California, supra; Ashdown v. Utah, supra.

V. RESULT OF TOO MANY UNFAVORABLE CIRCUMSTANCES

If the unfavorable circumstances go beyond the permissible limit, the confession is void and the conviction is reversed regardless of the fact that there may have been ample evidence otherwise on which the conviction could be sustained. Payne v. Arkansas, supra; Spano v. New York, supra.

VI. REMEDIAL POLICE ACTION

Law enforcement organizations may take remedial action of considerable value by:

A. Providing officers with more instruction on the law of confessions.
B. Providing officers with more instruction on the techniques of interview, with a view to making interviews of persons under arrest both shorter and more productive.
C. Placing greater stress on scientific evidence and less on confessions alone.
D. Eliminating from each interview all unnecessary factors in the "totality." For example, eliminate relay questioning and keep the number of questioners as low as reasonably possible. Eliminate nighttime questioning unless the exigencies of the case require it. See that the prisoner gets every meal, and that his clothing is always adequate to the circumstances.
E. Acquaint community leaders with the nature and degree of the police problem on due process in criminal interrogation.

TAKING PERSONS INTO CUSTODY

The offense for which a person is to be arrested has no necessary connection with the way he will act to any action by a police officer. Officers have been killed or injured while writing citations for minor traffic infractions and, just as often, have had friendly conversations with murderers whom they are arresting. Always consider the possibility that the person you are arresting may attempt to injure or kill you.

Most traffic arrests are accomplished with little difficulty. Usually traffic violators will follow your instructions without necessitating the use of physical force. Your method of stopping, approaching, and talking to drivers should be the same as for any other types of enforcement action.

SPECIAL PROBLEMS IN ARREST

Minors involved. Sometimes it will be necessary to take a person into physical custody when there are children present. In such cases you must assume responsibility for the safety and welfare of the children. If the offense is such that you must take a violator into custody, emergency care for any children involved must be provided.

Ask the arrestee if there is someone who will care for the children during the time he is in custody. If possible, arrange to have the children taken to their home or to the home of a close relative. You may do this yourself if such place is nearby, or you may request assistance from headquarters. When there is no possibility of taking the children either to their home or the home of a relative, you should make arrangements through headquarters to have them cared for temporarily by a city or state welfare agency. Sometimes it may be possible to keep the children at headquarters, particularly if the arrestee is to be released on bail within a short period of time. Learn as much as you can about how such situations are handled in your department and be prepared before this kind of situation occurs.

Juvenile drivers who commit traffic violations require special handling for two reasons:

1. Legal requirements pertaining to the arrest of juveniles usually specify procedures that must be followed.
2. Juvenile offenders are young and impressionable and in your treatment of them you have an opportunity to help develop favorable attitudes toward law enforcement and the rules of society.

Make sure you understand the special legal considerations involved in arresting juveniles. If your department has a juvenile division, take time to talk with the officers assigned to it and find out how to deal with juveniles.

The arrest of female violators always involves special procedures. If the arrest situation arises when you are working alone, request that another officer be sent to the scene to assist you. Try to have as little contact and as little conversation as possible with the arrestee and complete the arrest process as quickly as the situation permits. If you are alone and cannot obtain assistance, a good technique is as follows:

Call your dispatcher by radio. Advise him that you are taking a female into custody and give her name, the offense for which you made the arrest, and your speedometer mileage reading.

Serious traffic offenses. The decision to arrest may be based on the seriousness of the offense committed. The character of certain violations requires that the violator be arrested. For example, a person suspected of committing negligent homicide, or a person who has left the scene of an accident, cannot reasonably be expected to appear voluntarily in court. Reckless driving or participating in a speed contest are often serious enough to warrant physical arrest, particularly when the violator has attempted evasion during pursuit action. Such action may be interpreted as an indication that the violator may not voluntarily appear in court.

Violations that constitute a continuing hazard always call for physical arrest. The drunk driver cannot be apprehended and then released to drive his car. To do so would endanger other people. Most violations in this category pertain to driver conditions. Your responsibility is to remove a hazard from the highway as quickly as possible. Another factor that makes arrest a requirement of this class of violations is the problem of case preparation. For example, to apprehend and then release an intoxicated driver would imply that you did not feel his driving ability was sufficiently impaired to make his driving a hazard.

Unsatisfactory identification. Occasionally you will stop a motorist for some violation with the intention of either warning him or citing him for his illegal act, and discover that he does not have satisfactory identification. Under such circumstances you should carry out the arrest based on the first observed violation and take the violator into physical custody to give you time to verify his identity.

Satisfactory evidence of identity includes, in addition to a valid operator's license, such items as Selective Service cards, registration cards, credit cards, or a bill of sale for the vehicle. Possession of an operator's license does not necessarily identify an individual properly.

Examine the license or other documents to make sure that the person possessing them is the person indicated. Check the descriptive items closely and ask question such as "What is your date of birth?" and "What is your middle initial?"

Arrests not related to traffic violations. It is common to discover non-traffic offenses in connection with traffic law enforcement. For example, you stop a motorist for the purpose of issuing a warning for a slight infraction, and discover that he is in possession of an article you suspect has been stolen. You may see burglar's tools, a loaded gun, or other evidence of criminal activity. When evidence of other crime exists, make the further investigation. One of the most common felonies encountered in connection with traffic law enforcement is auto theft. This always calls for immediate arrest.

As a rule, you may make a physical arrest without a warrant whenever a public offense is committed in your presence, and you become aware of the violation. You may, for example, see a motorist fail to stop at a stop sign. You may also hear a faulty muffler indicating a violation. Some states have laws that specifically define the limits of your authority to make arrests without a warrant. Two of the more common types of these laws are:

1. Laws which give you specific authority to take arrest action even though you didn't observe the violation take place. Laws such as this usually require that the arresting officer have reasonable grounds to believe that the person arrested committed a law violation.

2. Some laws place restrictions on the authority of traffic officers to make arrests for certain violations by requiring that a citation be issued in lieu of arrest.

All arrests, including traffic arrests, must meet four basic requirements. These are:

1. Intent, which means that the person making the arrest must intend to take the violator into custody for the purpose of bringing him before a court. Merely stopping a person to question him, for example, would not fulfill this requirement.

2. Authority, the person making the arrest must act under real or pretended (assumed) authority for taking the arrested person into the custody of the law.

3. Seizure of detention of the arrested person must take place. This may be actual physical seizure, or mere touching of the person to be arrested, or submission of the arrested person to the person making the arrest.

4. Understanding as used in its common meaning. The person being arrested must know that he is being arrested or that he is under arrest. An exception to this rule occurs when the person being arrested is unconscious.

If any of these requirements are missing, no arrest has been made.

You will normally take arrest action only where the offense committed is serious, or if detention is necessary to avoid continued violation, or if there is reasonable doubt that the violator will voluntarily appear in court. Two kinds of considerations should govern your decision to arrest: Legal requirements that determine your authority to arrest. Under some circumstances, an officer must make an arrest. In other situations an officer may arrest, depending upon the specific offense charged and the surrounding circumstances.

Policy requirements that determine what situations call for physical arrest rather than some other type of enforcement action. In most departments, the decision to use arrest action is left up to the individual officer.

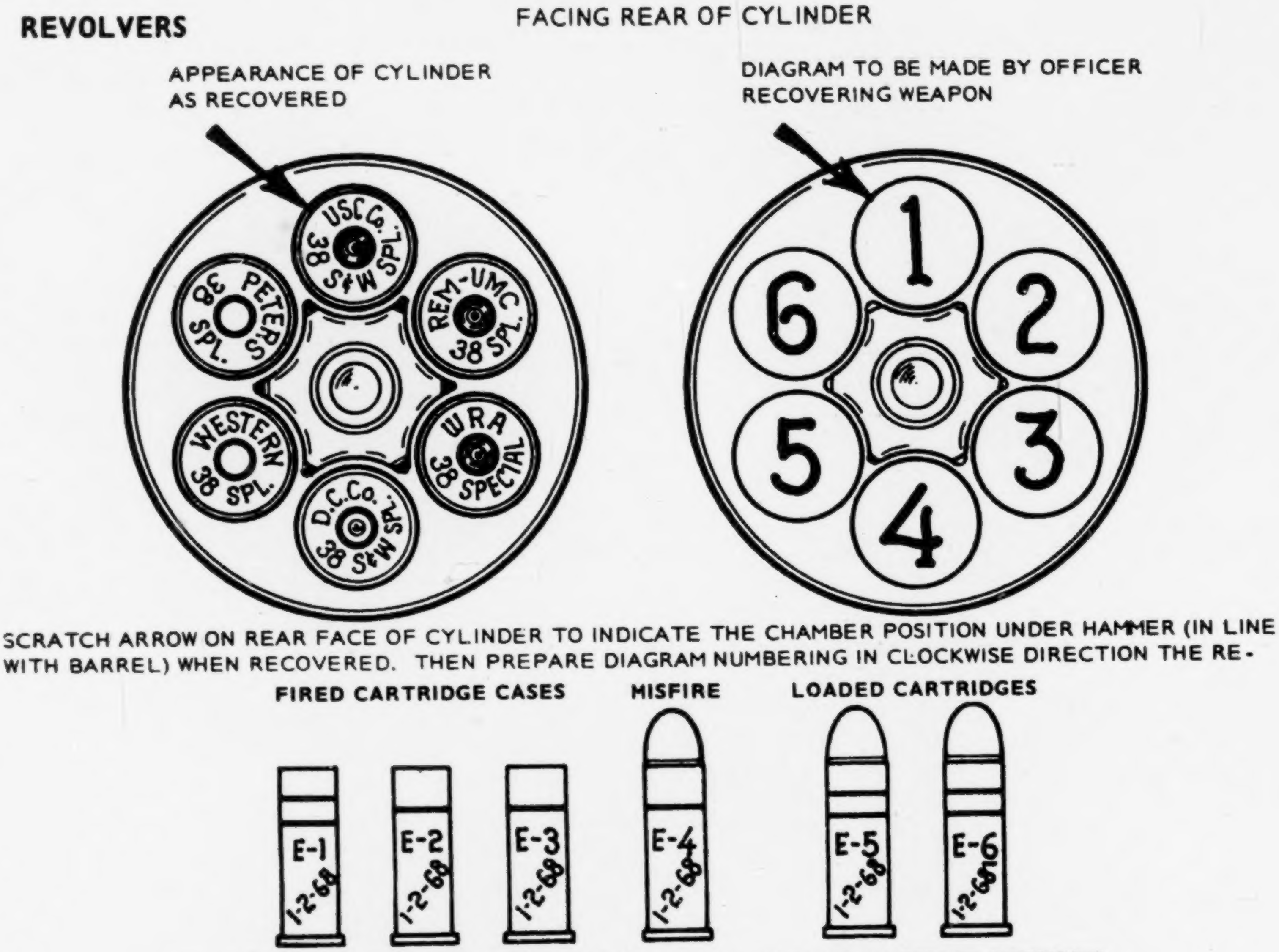
These two points are important. Legal requirements must always be met before arrest action can be taken, However, even in situations where legal requirements are met, you may utilize other types of enforcement action. How you decide whether to arrest or not will be based upon the general considerations and specific policies of your department.

EVIDENCE MARKING

Specific Types of Evidence

Firearms

(1) Special considerations. Never insert anything in the barrel as this may damage the identifying characteristics and dislodge material which may be inside the barrel. Pick up the weapon by the trigger guard or checked grip so as not to disturb any fingerprints. Unload, but do not wipe or clean the weapon. When unloading, carefully note the location of fired, unfired and misfired cartridges by diagram as illustrated in Figure 1.


REVOLVERS
FACING REAR OF CYLINDER
APPEARANCE OF CYLINDER AS RECOVERED
DIAGRAM TO BE MADE BY OFFICER RECOVERING WEAPON
USC Co. 38 S&W SPL.
REM-UMC 38 SPL.
WRA 38 SPECIAL
D.C.Co. 38 S&W SPL.
WESTERN 38 SPL.
PETERS 38 SPL.
1
2
3
4
5
6
FIRED CARTRIDGE CASES
MISFIRE
LOADED CARTRIDGES
E-1 1-2-68
E-2 1-2-68
E-3 1-2-68
E-4 1-2-68
E-5 1-2-68
E-6 1-2-68

SCRATCH ARROW ON REAR FACE OF CYLINDER TO INDICATE THE CHAMBER POSITION UNDER HAMMER (IN LINE WITH BARREL) WHEN RECOVERED. THEN PREPARE DIAGRAM NUMBERING IN CLOCKWISE DIRECTION THE RE-

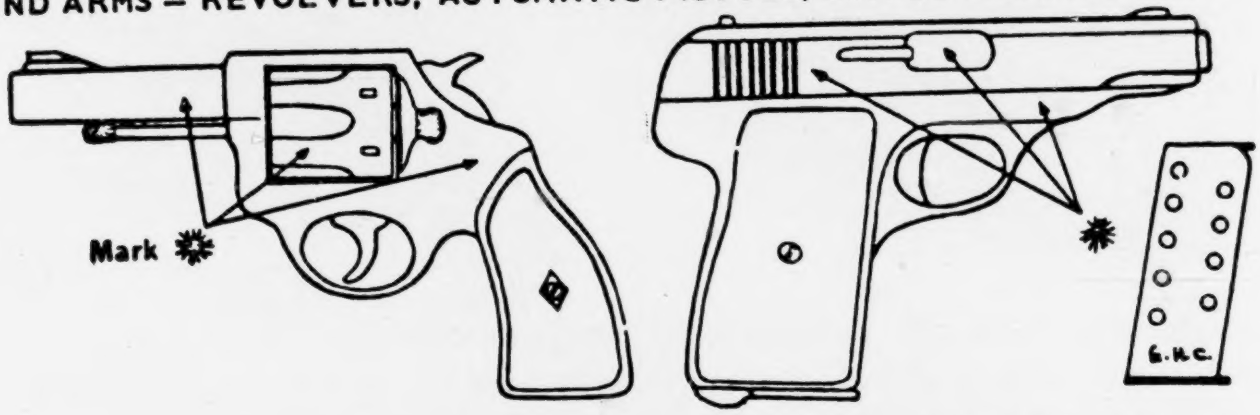
MARK LOADED AND FIRED CARTRIDGE CASES WITH INITIALS, DATE, AND NUMBERS TO CORRESPOND WITH NUMBERED CHAMBERS IN DIAGRAM

MARK OF IDENTIFICATION	CHAMBER POSITION	CONDITION	MAKER
E – 1	#1	FIRED	U. S. CARTRIDGE CO.
E – 2	#2	FIRED	REMINGTON ARMS CO.
E – 3	#3	FIRED	WINCHESTER REPEATING ARMS CO.
E – 4	#4	MISFIRE	DOMINION CARTRIDGE CO.
E – 5	#5	LOADED	WESTERN CARTRIDGE CO.
E – 6	#6	LOADED	PETERS CARTRIDGE CO.

Figure 1

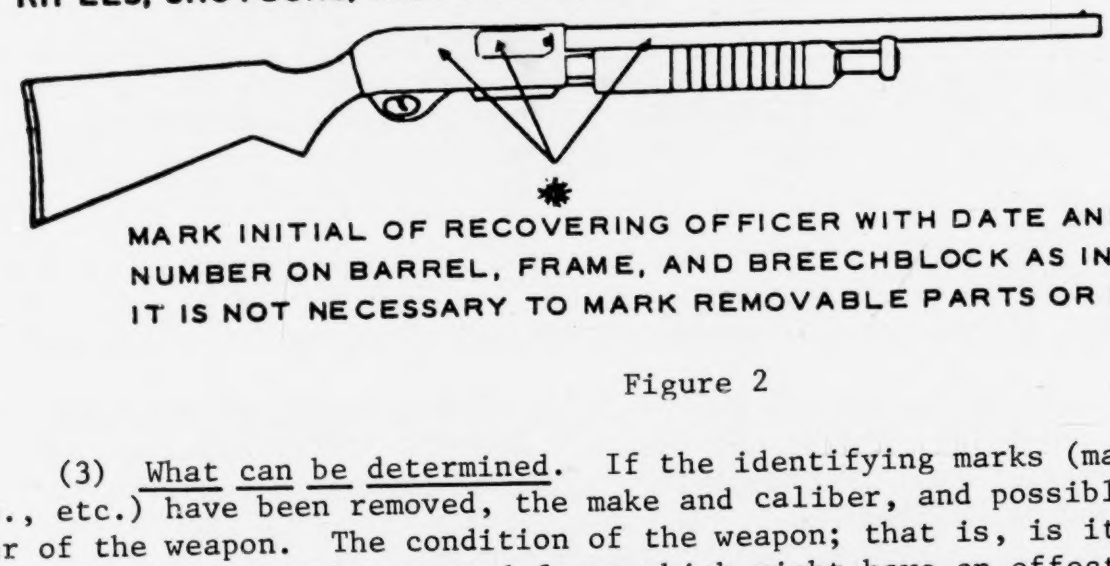
(2) Marking: Record the serial number and description of the weapon. Firearms with no serial number should be marked with your initials on the receiver or the underside of the barrel; never use "X" or other non-individual type of marking. Do not mark the weapon on any easily removable part such as the stock or grips. Use discretion so as not to disfigure weapon.

HAND ARMS – REVOLVERS, AUTOMATIC PISTOLS, SINGLE SHOT PISTOLS ·



IF FIREARM DOES NOT HAVE A SERIAL NUMBER, MARK INITIAL AND DATE OF RECOVERY AS INDICATED ON DIAGRAM.

RIFLES, SHOTGUNS, MACHINE GUNS



MARK INITIAL OF RECOVERING OFFICER WITH DATE AND ITEM NUMBER ON BARREL, FRAME, AND BREECHBLOCK AS INDICATED. IT IS NOT NECESSARY TO MARK REMOVABLE PARTS OR STOCKS.

Figure 2

(3) What can be determined. If the identifying marks (make, model, serial no., etc.) have been removed, the make and caliber, and possibly the serial number of the weapon. The condition of the weapon; that is, is it in working order and, if so, does it have any defects which might have an effect on the investigation. Has it been used to fire a particular bullet or cartridge.

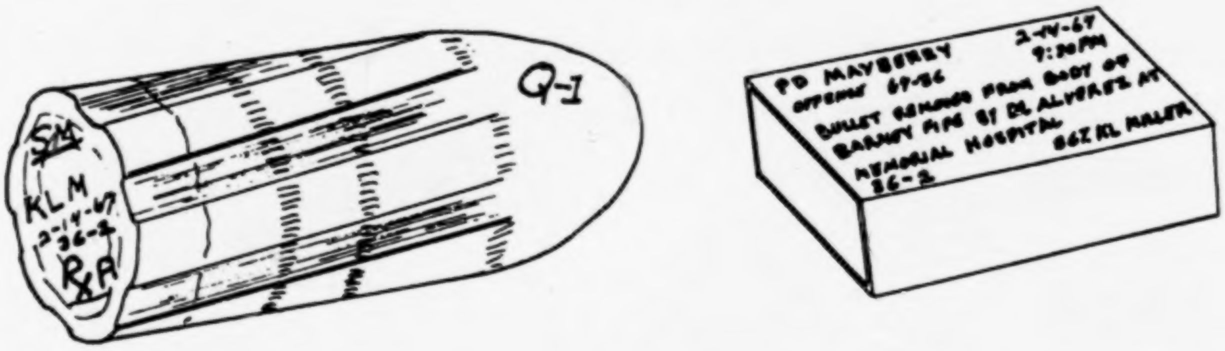
b. Bullets

(1) Special considerations. Handle the bullet so as not to dislodge any extraneous materials or damage the markings. If a bullet is lodged in wood or similar material, cut out the section and bring to the Laboratory. At autopsies, request the use of hands or rubber tipped forceps to minimize the possibility of damage to the bullet. Wrap each bullet separately in tissue or cotton to prevent damage and place in a container (figure 5). Contact the Laboratory for answers to specific problems.

(2) Marking. Mark your initials on the base or the side of the bullet (figure 5). If the bullet is too small to be easily marked or there is a possibility of dislodging evidence from the nose, seal the date and information as to where and when the bullet was found (figure 3). If there is more than one bullet,

mark the order found and exact location. This may be very important, especially if the bullets turn out to have been fired from more than one weapon.

FIRED BULLETS:



Mark initials of recovering officer in area indicated. Wrap bullets individually in cotton or tissue. If more than one bullet, use initials of person recovering and date, and designate each bullet with letter or numeral. Keep notes as to source.

Figure 3

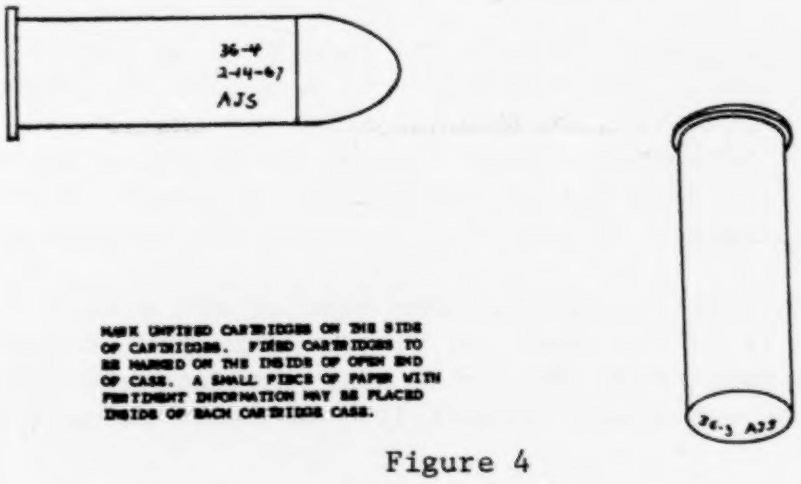
(3) What may be determined. The type and make of ammunition, the type and make of weapon from which the bullet was fired (within limits) and whether or not it was fired from a specific weapon, providing the weapon is available for test purposes.

c. Cartridge cases

(1) Special considerations. Handle so as not to add any scratches or marks. Wrap each one separately to prevent damage. Be sure to note the locations found as this may be helpful in the investigation, especiaaly if an auto-loading weapon was used.

(2) Marking. Mark by scratching your initial on the inside of the case or on the outside near the bullet end of the case (Figure 4). If it appears that you might damage markings, seal in a container and mark the container with your initials and where and when found.

LOADED CARTRIDGES & FIRED CARTRIDGE CASES



MARK UNFIRED CARTRIDGES ON THE SIDE OF CARTRIDGES. FIRED CARTRIDGES TO BE MARKED ON THE INSIDE OF OPEN END OF CASE. A SMALL PIECE OF PAPER WITH PERTINENT INFORMATION MAY BE PLACED INSIDE OF EACH CARTRIDGE CASE.

Figure 4

(3) What may be determined. Information as to the type of weapon used, the type of ammunition, and whether or not the case was fired in a specific weapon providing the weapon is available for test firing.

d. Shotgun shells

(1) Special considerations. See under cartridge cases.

(2) Marking. Waxed, scrape off the wax and mark your initials with a pen. Plastic, scratch your initials into the plastic with a sharp tool. Never mark on the brass portion (Figure 5).

(3) What may be determined. The type of ammunition and whether or not it was fired in a specific weapon providing the weapon is available for test firing. Occasionally the type of shotgun from the type and location of marks.

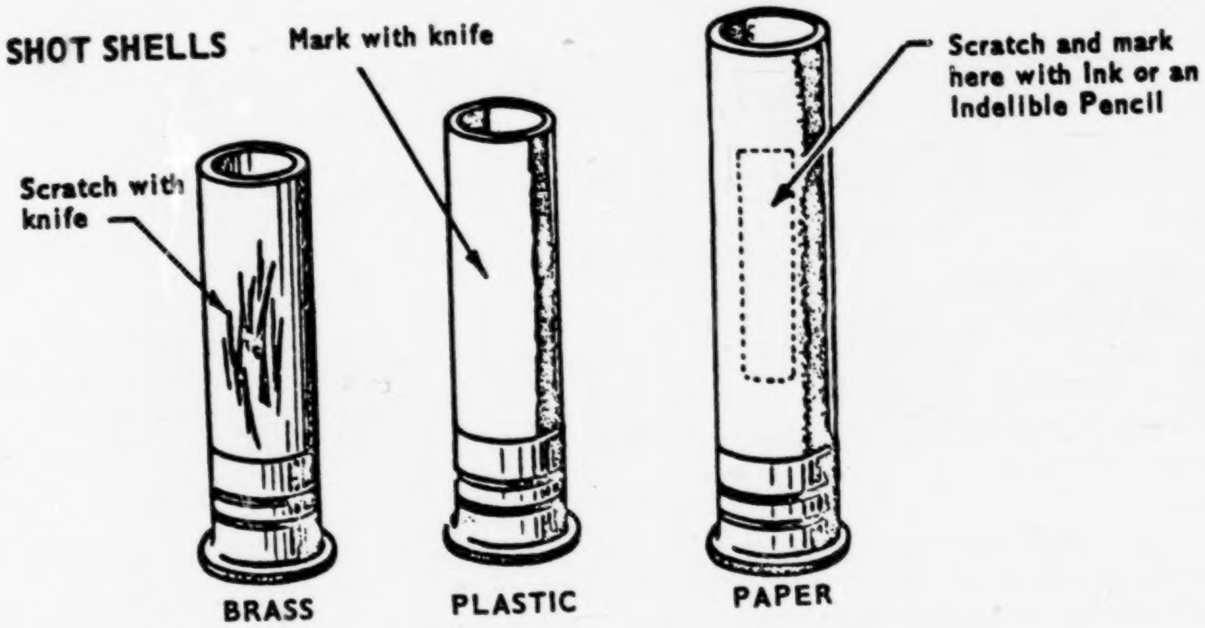


Figure 5

e. Pellets and wads (shotgun)

(1) Special considerations. Recover as many as possible. At least 4 or 5 are needed for accurate sizing. Always dry the wads before packaging to prevent deterioration.

(2) Marking. Do not mark the items, but seal them in containers and mark the containers with your initials, and where and when obtained.

(3) What may be determined. Possibly the size and type of ammunition used.

f. Shot and powder patterns.

(1) Special considerations. It is necessary to have the same weapon and type of ammunition used in the incident to make valid comparison patterns. Always seize available pertinent ammunition as this is most likely to be the type of ammunition which was used. Accurately measure patterns on bodies and photograph with a scale included. Count number of holes in patterns if possible. May give information as to size of shot load.

(2) Marking. Initial all items submitted and give pertinent information as to where and when found.

(3) What may be determined. The distance (within limits) from which the shot was fired. Occasionally the barrel length or number of lands and grooves for the weapon.

g. Tool Marks

(1) Special considerations. Handle tools with care and protect the tips so that any paint chips which might be on them from the scene will not be lost. Never try a tool into a tool mark as this will damage the mark and destroy the evidential value of any paint on the tool. If practical, remove the portion of the item with the mark and submit this to the Laboratory for instructions.

(2) Marking. Mark the item with the toolmark and all tools with your initials and identify as to where and when obtained.

(3) What may be determined. Whether or not a particular tool made the mark in question.

h. Serial number restorations

(1) Special considerations. Do not attempt to raise the number, but bring the item to the Laboratory, if practical. If not practical, contact the Laboratory for instructions. Obtain any information as to the type of metal in the item, as different types of metals require different chemicals for developing the numbers.

(2) What can be determined. If the removal has not gone too deep or the number obscured by overstamping, it is possible, in most cases, to restore the number. Molded numbers cannot be restored, only stamped numbers.

i. Powder residues

(1) Special considerations. The item to be examined must be protected so as to prevent damage to the area to be examined for residues.

(2) What can be determined. Whether or not a hole was caused by a bullet and differentiate between entrance and exit holes.

(3) Meaning of result. Will assist in determining the direction from which a victim was shot and with powder patterns, an estimate of the distance.

j. Explosive residues

(1) Special considerations. The best leads as to the type of explosive used are such things as containers, detonating devices (fuses, caps, etc.), and other parts of the explosive device; be sure to obtain all available materials of this type. Normally, only items from the immediate point of explosion will be of value in making examinations for residues.

(2) What can be determined. The type of explosive device used, if parts are available; limited information as to the type of explosive.

APPENDIX 50 (cont.)

(3) _Meaning of result_. Will aid the investigation by indications of the type of explosive and explosive device used.

k. Paraffin casts

(1) _Special considerations_. This test must be used with caution.

(Amended Substitute House Bill No. 996)

AN ACT

To amend sections 311.07, 737.10, 2907.08, 2907.20, 3761.99, and 5503.02 to enact sections 2901.252, 2909.26, 2923.51 to 2923.55, inclusive, and 2947.30, and to repeal sections 3761.13 to 3761.15, inclusive, of the Revised Code to provide for the better control of riots and attendant offenses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 311.07, 737.10, 2907.08, 2907.20, 3761.99, and 5503.02 be amended, and sections 2901.252, 2909.26, 2923.51, 2923.52, 2923.53, 2923.54, 2923.55, and 2947.30 of the Revised Code be enacted to read as follows:

Sec. 311.07. (A) Each sheriff shall preserve the public peace and cause all persons guilty of any breach of the peace, within his knowledge or view, to enter into recognizance with sureties to keep the peace and to appear at the succeeding term of the court of common pleas, and the sheriff shall commit such persons to jail in case they refuse to do so. He shall return a transcript of all his proceedings with the recognizance so taken to such court and shall execute all warrants, writs, and other process directed to him by any proper and lawful authority. He shall attend upon the court of common pleas and the court of appeals during their sessions, and, when required, shall attend upon the probate court. In the execution of the duties required of him, the sheriff may call to his aid such persons or power of the county as is necessary. Under the direction and control of the board of county commissioners, such sheriff shall have charge of the court house.

(B) The sheriff of a county may call upon the sheriff of any adjoining, county, the mayor or other chief executive of any municipal corporation within his county or in adjoining counties, and the chairman of the board of township trustees of any township within his county or in adjoining counties, to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting sheriff's county in the event of riot, insurrection, or invasion. Such aid shall be furnished to the sheriff requesting it, insofar as possible without withdrawing from the political subdivision furnishing such aid the minimum police and fire protection appearing necessary under the circumstances. In such case, law enforcement and fire protection personnel acting outside the territory of their regular employment shall be considered as performing services within the territory of their regular employment for the purposes of compensation, pension or idemnity fund rights, workmen's compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment. The county receiving such aid shall reimburse the political subdivision furnishing it the cost of furnishing such aid, including compensation of personnel, expenses incurred by reason of the injury or death of any such personnel while rendering such aid, expenses of furnishing equipment and apparatus, compensation for damage to or loss of equipment or apparatus while in service outside the territory of its regular use, and such other reasonable expenses as may be incurred by any such political subdivision in furnishing such aid. Nothing in this section shall be construed as superseding or modifying in any way any provision of a contract entered into pursuant to section 311.29 of the Revised Code. Law enforcement officers acting pursuant to this section outside the territory of their regular employment have the same authority to enforce the law as when acting within the territory of their regular employment.

Sec. 737.10. In case of riot or other like emergency, the mayor may appoint additional patrolmen and officers for temporary service in the police department, or additional firemen and officers for temporary service in the fire department, who need not be in the classified list of such department. Such additional persons shall be employed only for the time during which the emergency exists.

The mayor may call upon the sheriff of the county in which all or part of the municipal corporation lies or the sheriff of any adjoining county, the mayor or other chief executive of any municipal corporation in the same or any adjoining county, and the chairman of the board of township trustees of any township in the same or any adjoining county, to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting municipal corporation in the event of riot. Such aid shall be furnished to the mayor requesting it, insofar as possible without withdrawing from the political subdivision furnishing such aid the minimum police and fire protection appearing necessary under the circumstances. In such case, law enforcement and fire protection personnel acting outside the territory of their regular employment shall be considered as performing services within the territory of their regular employment for purposes of compensation, pension or indemnity fund rights, workmen's compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment. The municipal corporation receiving such aid shall reimburse the political subdivision furnishing it the cost of furnishing such aid, including compensation of personnel, expenses incurred by reason of the injury or death of any such personnel while rendering such aid, expenses of furnishing equipment and apparatus, compensation for damage to or loss of equipment or apparatus while in service outside the territory of its regular use, and such other reasonable expenses as may be incurred by any such political subdivision in furnishing such aid. Nothing in this section shall be construed as superseding or modifying in any way any provision of a contract entered into pursuant to section 737.04 of the Revised Code. Law enforcement officers acting pursuant to this section outside the territory of their regular employment have the same authority to enforce the law as when acting within the territory of their regular employment.

Sec. 2901.252. (A) No person shall knowingly assault and strike or wound a law enforcement officer or fireman in the lawful performance of his official duties.

(B) No person shall knowingly assault and strike or wound a law enforcement officer, fireman, or member of the organized militia or armed forces of the United States, in the lawful performance of his official duties during a riot.

(C) Whoever violates division (A) of this section shall be fined not more than one thousand dollars and imprisoned not less than fifteen days nor more than one year, and no court shall suspend the first five days of the sentence of imprisonment imposed under this section. Whoever violates division (B) of this section shall be fined not more than one thousand dollars and imprisoned not less than thirty days nor more than one year, or imprisoned not less than one nor more than three years, and no court shall suspend the first thirty days of the sentence of imprisonment imposed under this section. When the badge of a uniformed officer engaged in riot control is obscured, such officer shall display some other individually identifying marking.

Sec. 2907.08. No person shall maliciously, with intent to cause damage or injury to persons or public or private property, tamper with, destroy, cut, smash, or in any way interfere with communication equipment, electrical wiring, devices, or equipment, or gas, natural or otherwise, or water mains, lines, fire hydrants, reservoirs, or storage tanks.

Whoever violates this section shall be fined not more than ten thousand dollars or imprisoned not less than one nor more than twenty years, or both.

Sec. 2907.20. No person shall steal anything of value.

Whoever violates this section is guilty of larceny, and, if the thing stolen is a firearm of whatever value or if the value of the thing stolen is sixty dollars or more, shall be imprisoned not less than one nor more than seven years. If the value is less than sixty dollars, such person shall be fined not more than three hundred dollars or imprisoned not more than ninety days, or both.

As used in this section, "firearm" means any weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include firearms which are inoperable and cannot be rendered operable.

Sec. 2909.26. No person shall enter without legal justification upon the premises of another during a public emergency arising out of riot, insurrection, invasion, storm, flood, or other disaster, or when such premises are damaged by reason of vandalism, riot, insurrection, invasion, fire, explosion, collapse, storm, flood, or other calamity.

Whoever violates this section is guilty of trespass upon damaged premises, and shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Sec. 2923.51. Where five or more persons are engaged in violent or tumultuous conduct which creates a clear and present danger to the safety of persons or property, a law enforcement officer, or commissioned officer of the organized militia or armed forces of the United States called to duty to protect against domestic violence, shall, forthwith upon view or as soon as may be on information, and unless prevented by such persons, order such persons to desist and disperse to their several homes or lawful employments. Such order shall be given by such means and as often as necessary to reasonably insure that it is heard, unless the giving or hearing of such order is prevented by such persons. Whoever refuses or knowingly fails to obey such order shall be fined not more than fifty dollars.

Sec. 2923.52. No person shall participate with four or more others in violent and tumultuous conduct:

(A) With intent to do a lawful act with unlawful force and violence in such a manner as to create a clear and present danger to the safety of persons or property;

(B) With intent to prevent or coerce official action, or to hinder, impede, or obstruct a function of government;

(C) With intent to commit or facilitate the commission of a misdemeanor.

Whoever violates this section is guilty of riot in the second degree, and shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sec. 2923.53. No person shall participate with four or more others in violent or tumultuous conduct:

(A) With intent to commit or facilitate the commission of a felony;

(B) With intent to commit or facilitate the commission of any offense involving force or violence against persons, whether such offense is a misdemeanor or felony;

(C) When the actor or any participant to the knowledge of the actor uses or intends to use a firearm or other deadly weapon, or dynamite or other dangerous explosive, or any incendiary device.

Whoever violates this section is guilty of riot in the first degree, and shall be fined not more than one thousand dollars of imprisoned not more than one year, or both, or shall be imprisoned not less than one nor more than three years.

Sec. 2923.54. No person shall purposely or knowingly urge, incite, or encourage another to riot in violation of section 2923.53 of the Revised Code, when such conduct proximately results in the commission of any such offense, or is under circumstances which produce a clear and present danger that any such offense.

Whoever violates this section is guilty if inciting to riot, and shall be fined not more than one thousand dollars or imprisoned not more than one year, or both, or shall be imprisoned not less than one nor more than three years.

Sec. 2923.55. Police officers, special police officers, sheriffs, deputy sheriffs, highway patrolmen, other law enforcement officers, members of the organized militia, members of the armed forces of the United States, and firemen, when engaged in suppressing a riot or in dispersing or apprehending rioters and after an order to desist and disperse has been issued pursuant to section 2923.51 of the Revised Code, are guiltless for killing, maiming, or injuring a rioter as a consequence of the use of such force as is necessary and proper to suppress the riot or disperse or apprehend rioters. This section does not relieve a member of the organized militia or armed forces of the United States from prosecution by court-martial for a military offense.

Sec. 2947.30. Any person convicted of or pleading guilty to a violation of section 2923.53 of the Revised Code who had a firearm in his possession while committing the crime shall be imprisoned not less than one nor more than three years in addition to the sentence imposed for the commission of the crime.

As used in this section, "firearm" means any weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant,but does not include firearms which are inoperable and cannot be rendered operable.

Sec. 3761.99. (A) Whoever violates section 3761.11 of the Revised Code shall be fined not more than fifty dollars or imprisoned not more than ten days, or both.

(B) Whoever violates section 3761.12 of the Revised Code shall be fined not more than two thousand dollars and imprisoned not less than two nor more than ten years.

***

(C) Whoever violates section 3761.16 of the Revised Code shall be fined not more than five hundred dollars or imprisoned not less than thirty days nor more than one year, or both.

Sec. 5503.02. The state highway patrol shall enforce the laws of the state relating to the registration and licensing of motor vehicles; enforce, on all roads and highways, notwithstanding section 4513.39 of the Revised Code, the laws relating to the operation and use of vehicles on the highway; enforce and prevent the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways; investigate and report to the public utilities commission violations of its rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire; investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels; and regulate the movement of traffic on the roads and highways of the state, notwithstanding section 4513.39 of the Revised Code.

The patrol shall, whenever possible, determine the persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the department of highways and shall arrest persons responsible therefor and bring them before the proper officials for prosecution. The state highway patrolmen shall investigate and report all motor vehicle accidents on all roads and highways outside of municipal corporations. The superintendent of the state highway patrol or any patrolman may arrest without a warrant any person, who is the driver of or a passenger in any vehicle operated or standing on a state highway, whom he has reasonable cause to believe is guilty of a felony, under the same circumstances and with the same power that any peace officer may make such arrest. The superintendent or any patrolman may enforce the criminal laws on all state properties and state institutions, owned or leased by the state, and, when so ordered by the governor in the event of riot or insurrection, may, pursuant to sections 2935.03 to 2935.05, inclusive, of the Revised Code, arrest offenders against the criminal laws wherever they may be found within the state, where the violations occurred upon, or resulted in injury to person or property on, state properties or institutions.

Any person arrested by the superintendent or a patrolman shall be taken before any court or magistrate having jurisdiction of the offense with which such person is charged. Any person arrested or apprehended within the municipal corporation limits shall be brought before the municipal court or other tribunal of the municipal corporation.

Patrolmen shall have no other right or power of search or of seizure except to take from any person, under arrest or about to be arrested, deadly or dangerous weapons in the possession of such person. No state official shall command, order, or direct any patrolman to perform any duty or service not authorized by law. The powers and duties conferred on the patrol shall be supplementary to and in no way a limitation on the powers and duties of sheriffs or other peace officers of the state.

The general assembly shall appropriate annually from general revenues to the state highway safety fund created by section 4501.06 of the Revised Code, moneys to reimburse such fund for all expenses of the state highway patrol incident to the performance of duties unrelated to highway purposes as described in section 5a of Article XII, Ohio Constitution.

SECTION 2. That existing sections 311.07, 737.10, 2907.08, 2907.20, 3761.99, and 5503.02, and sections 3761.13, 3761.14, and 3761.15 of the Revised Code are hereby repealed.

CHARLES F. KURFESS,
Speaker of the House of Representatives.

JOHN W. BROWN,
President of the Senate.

Passed March 1, 1968.

Approved March 14, 1968.

James A. Rhodes,
Governor.

The sectional numbers herein are in conformity with the Revised Code.

Ohio Legislative Service Commission
David A. Johnston, Director.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 14th day of March, A. D. 1968.

I hereby certify that the foregoing is a true copy of the enrolled bill.

Ted W. Brown
Secretary of State.

File No. 501.

Effective June 13, 1968.

AN ACT

To enact section 2305.23 of the Revised Code, relative to the liability of physicians and nurses for emergency treatment.

Be it enacted by the General Assembly of the State of Ohio.

Section 1. That section 2305.23 of the Revised Code be enacted to read as follows:

Section 230.23 No person shall be liable in civil damages for administering emergency care or treatment at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, for acts performed at the scene of such emergency, unless such acts constitute willful or wanton misconduct.

Nothing in this section applies to the administering of such care or treatment where the same is rendered for remuneration or with the expectation of remuneration.

ROGER CLOUD
Speaker of the House of Representatives

JOHN W. BROWN
President of the Senate

Passed June 10, 1963

Approved June 17, 1963

JAMES A RHODES,
Governor

The sectional number herein is in conformity with the Revised Code
OHIO LEGISLATIVE SERVICE COMMISSION
LAUREN A GLOSSER, Director

Filed in the office of the Secretary of State at Columbus, Ohio on the 17th day of June, A.D. 1963.

I hereby certify that the foregoing is a true copy of the enrolled bill.

TED W. BROWN
Secretary of State

File No. 136

Effective September 16, 1963

APPENDIX 53

HANDLING MISDEAMEANORS - FELONIES

ADDENDUM TO ARREST, SEARCH AND SEIZURE: PROBABLE CAUSE

The Fourth Amendment to the Constitution does not prohibit all searches and seizures; it prohibits only those which are unreasonable. The Supreme Court has consistently held that in order for an arrest to be reasonable, it must be based upon probable cause. The Court has defined probable cause as existing, when "the facts and circumstances within (the arresting officer's) knowledge and of which (he) has reasonable trustworthy information (are) sufficient to warrant a man of reasonable caution in the belief that (an offense has been or is being committed)." The Court must deal with probabilities they are the factual and practical considerations of everyday life on which prudent men act.

Factors To Be Considered In Establishing Probable Cause:

Time - business closed - not usual hours of work or employment at location - early morning or night season

Place - recent or past B & E at location - law enforcement hazard - unusual location to person

Circumstances- facts concerning any of the above also who, what, why, when, where, and how - visual contact by officer of burglary tools, weapons, unexplained items of value or used in crime.

Person - suspicious by virtue of appearance, time, place and unsatisfactory answers to inquiry - known felon

This much is certain; the officer's judgement of Probable Cause must be based on facts as to time, place, person and circumstances.

ADDENDUM TO TESTIFYING IN COURT: DEFINITION OF TYPES OF EVIDENCE; CIRCUMSTANTIAL, HEARSAY, DIRECT

1. Circumstantial Evidence:

Circumstantial evidence is evidence that is based on circumstances; that is, events connected with the violation which, when put together with all the known facts, tend to prove the defendant's guilt or prove a link in the chain of evidence. It is evidence of established facts, all consistent with guilt, which tend to an inference that they are not just accidental. Examples: Flight, possession of weapons, a similar car, matching cartridge casings, foot prints, etc., could all be items of circumstantial evidence in a particular case.

Example of Circumstantial Evidence Used to Establish Guilt of Defendant:

1. Defendant charged with assault with intent to rape. Victim testified that at about 1:30 AM a 1967 red colored Chevrolet sedan with three men in it stopped near her and one man got out and accosted her. He then propositioned her for sexual intercourse, she refused. He then hit her with a gun which discharged and wounded her. She fell to the ground, he attempted to straddle her. She kicked, screamed and grabbed his hair. The man fled. At 2:40 AM, about two miles away officers arrested three men in a 1967 red colored Chevrolet. As the officers were effecting the arrest a .25 cal. automatic was thrown from the car. The following circumstantial evidence was offered.

   a. Defendant won the .25 cal. automatic in a poker game at 8:30 PM the previous evening.

   b. Defendant was seen later that evening at a party showing the gun to friends.

   c. Defendant was seen with the weapon at 2:10 AM at another party after the assault.

   d. Defendants hair was similar to hair found in victim's hand.

   e. Defendant had a contusion at the groin.

   f. The bullet came from the gun picked up by the officers at the scene of the arrest.

   g. Defendant guilty; evidence all points to the same conclusion.

2. Hearsay Evidence:

Evidence not proceeding from the personal knowledge of the witness, but from the mere repition of what he has heard others say. That which does not derive its value solely from the credit of the witness, but rests mainly on the veracity and competency of other persons. The vary nature of the evidence shows its weakness, and it is admitted only in specified cases from necessity.

APPENDIX 54 (cont.)

Examples:

Witness in Court: I saw Mr. Smith cross the yellow line and hit Mr. Doe's car. (Statement by witness of own observation - admissible)

Witness to Officer: I saw Mr. Smith cross the yellow line and hit Mr. Doe's car. (Hearsay, if officer testifies in court as to what Mr. Doe said - not admissible)

Hearsay covers not only oral statement but also writings, affidavits, etc., even though they are sworn to. The law requires the witness who knows or has observed the facts to be in court and tell his own story, so that the judge and jury can observe him and so that counsel can cross-examine him as to its veracity.

3. Direct Evidence:

Is that means of proof which tends to show the existence of a fact in question, without the intervention of the proof of any other fact, and is distinguished from circumstantial evidence, which is often called indirect. Evidence of the precise fact in issue and on trial by witnesses who can testify that they saw the acts done or heard the words spoken which constituted the precise fact to be proved.

Example: Direct evidence is when a witness can be called to testify to the precise fact which is the subject of the issue on trial, ie., in the case of a homicide that the witness did see the accused cause the death of the deceased.

The witness did see the accused throw a burning newspaper into a bundle of rags - arson.

SOCIAL SECURITY NUMBER AREA ALLOCATIONS BY STATE

The social security number consists of nine digits divided into three parts and separated by hyphens as follows: 000-00-0000. The first three digits, except in the 700 series, identify the area of issuance. The 700 series indicates issuance to employees in the railroad industry, through June 30, 1963. At that time new number issuances in this series were discontinued. The next two digits break the numbers within areas into convenient groups. The last four digits are a straight numerical series from 0001 through 9999 within each group. Within each area, the odd groups, 01 through 09, and even groups, 10 through 98, are printed first. Then the even groups, 02 through 08, and the odd groups, 11 through 99, are printed. Information concerning when certain group numbers started or which groups are currently being issued is not made available to the public.

CAUTION: Although the area number does show the State in which a social security number was issued, it does not necessarily indicate where the individual lived, either when applying for the number or at any later time. A person may obtain a number from any social security office. Thus, a resident of one State may get a number from a nearby State or some State he is just passing through. Once a number is assigned, the same number is used whereeever the person lives or works. The Social Security Administration will not disclose any information concerning the date or place where a particular account number is issued.

AREA NUMBER	STATE
001-003	New Hampshire
004-007	Maine
008-009	Vermont
010-034	Massachusetts
035-039	Rhode Island
040-049	Connecticut
050-134	New York
135-158	New Jersey
159-211	Pennsylvania
212-220	Maryland
221-222	Delaware
223-231	Virginia
232-236	West Virginia[1]
232,237-246	North Carolina[1]
247-251	South Carolina
252-260	Georgia
261-267	Florida
268-302	Ohio
303-317	Indiana
318-361	Illinois
362-386	Michigan
387-399	Wisconsin
400-407	Kentucky
408-415	Tennessee
416-424	Alabama
425-428,587	Mississippi
429-432	Arkansas
433-439	Louisiana
440-448	Oklahoma
449-467	Texas
468-477	Minnesota
478-485	Iowa
486-500	Missouri
501-502	North Dakota
503-504	South Dakota
505-508	Nebraska
509-515	Kansas
516-517	Montana
518-519	Idaho
520	Wyoming
521-524	Colorado
525,585	New Mexico
526-527	Arizona
528-529	Utah
530	Nevada
531-539	Washington
540-544	Oregon
545-573	California

APPENDIX 55 (cont.)

AREA NUMBER	STATE
574........	Alaska
575-576....	Hawaii
577-579....	District of Columbia
580........	Virgin Islands[2]
580-584....	Puerto Rico[2]

AREA NUMBER	STATE
586........	Guam[3]
586........	American Samoa[3]
586........	Philippine Islands[3]
700-729....	RR Board

[1] Area 232: Group 30 allocated to North Carolina by transfer from West Virginia.

[2] Area 580: Group 01-18 allocated to the Virgin Islands; groups 20 and above allocated to Puerto Rico.

[3] Area 586: Groups 01-18 allocated to Guam; groups 20-28 allocated to American Samoa; Groups 30-58 reserved for possible future allocation to other Pacific possessions of trust territories; groups 60-78 allocated during initial registration of armed service personnel for assignment to those, who were natives of the Philippine Islands; groups 80 and above not allocated.

DRAFT CARD NUMBERS BY STATE

The prefix number indicates the State in which the registrant is registered.

1--ALABAMA

2--ARIZONA

3--ARKANSAS

4--CALIFORNIA

5--COLORADO

6--CONNECTICUT

7--DELEWARE

8--FLORIDA

9--GEORGIA

10--IDAHO

11--ILLINOIS

12--INDIANA

13--IOWA

14--KANSAS

15--KENTUCKY

16--LOUISIANA

17--MAINE

18--MARYLAND

19--MASSACHUSETTS

20--MICHIGAN

21--MINNESOTA

22--MISSISSIPPI

23--MISSOURI

24--MONTANA

25--NEBRASKA

26--NEVADA

27--NEW HAMPSHIRE

28--NEW JERSEY

29--NEW MEXICO

30--NEW YORK

31--NORTH CAROLINA

32--NORTH DAKOTA

33--OHIO

34--OKLAHOMA

35--OREGON

36--PENNSYLVANIA

37--RHODE ISLAND

38--S. CAROLINA

39--S. DAKOTA

APPENDIX 55 (cont.)

40--TENNESSEE
41--TEXAS
42--UTAH
43--VERMONT
44--VIRGINIA
45--WASHINGTON
46--W. VIRGINIA
47--WISCONSIN
48--WYOMING
49--DISTRICT OF COLUMBIA
50--NEW YORK CITY
51--ALASKA
52--HAWAII
53--PUERTO RICO
54--VIRGIN ISLANDS
55--GUAM
56--CANAL ZONE

Sample: Registrants Selective Ser. No.

33	4	26	138
State No. 1	Local Board No. 2.	Year of Birth 3.	Registrants Local Bd.No. 4.

APPENDIX 56

SUGGESTED PROCEDURE IN SEARCHING A FEMALE

Generally speaking, a policeman should not search a female prisoner beyond her purse, coat, or other articles she may have been carrying. If it is known in advance that a female is to be arrested, arrangements should be made to have a policewoman present when the arrest is made. The policewoman should conduct a preliminary, but thorough, "frisk" at the scene of the arrest and a complete search after arrival at the jail.

Although policemen should avoid the searching of female prisoners, there will be times when such a search is necessary. As in this problem, the officers have made an on-sight arrest and believe the arrested person has a dangerous weapon concealed on her person. Pre-planning was not possible and, for their own protection, it is necessary that an immediate search be conducted and the weapon be taken from the prisoner.

If possible, the officers should ask an uninvolved and respectable woman at the scene to witness the searching. If needed, the witness can later testify relative to the search.

With, or without, the services of a woman witness the search should be conducted as follows:

1. Search the purse and other articles she may have been carrying.

2. If the prisoner is wearing a coat, have her remove it and search it thoroughly.

3. Have the prisoner remove her shoes and search them. If the shoes are of the high heeled variety, do not return them to her. Spiked heels can become a dangerous weapon.

4. Check her hair by placing the hand on top of her head and slowly apply pressure. If nothing is found the officer should run his fingers through the hair. This must be done with caution as she may have a razor-sharp instrument concealed.

5. Check the prisoner's brassiere straps around the back and over the shoulders to the point where they connect with the main portion of the undergarment. This can easily be accomplished by feeling through the outer blouse and running the fingers under the straps.

6. Check between the prisoner's breasts by placing the edge of the hand against her chest. A search of the other parts of the brassiere should be left for the matron at jail.

7. "Frisk," with the back of the hands, the prisoner's body from under the armpits to the waist.

8. When searching the area below the prisoner's waist the officer should use the same method as described in number seven. He can very easily "frisk" the outside of the legs with the back of his hands.

9. If the prisoner is wearing a dress the officer should grasp the bottom hem of the skirt from the back and pull it between her legs, thus assimilating the appearance of pants. The officer can then "frisk" the inside of the legs in the same manner as he did the outside.

If a weapon is found on the prisoner it should be removed immediately unless it is completely impractical to do so. An impractical situation would be when the weapon is concealed inside the underpants. In these instances it is likely the weapon is not easily available to the prisoner, thus the officer is probably safe to transport her, hands handcuffed behind her back, to the jail where a police matron can complete the search.

Police officers should never ask another woman to search the prisoner unless the woman is employed by the police or an official social agency. A woman citizen harmed while conducting the search can hold the police and their department responsible for damages.

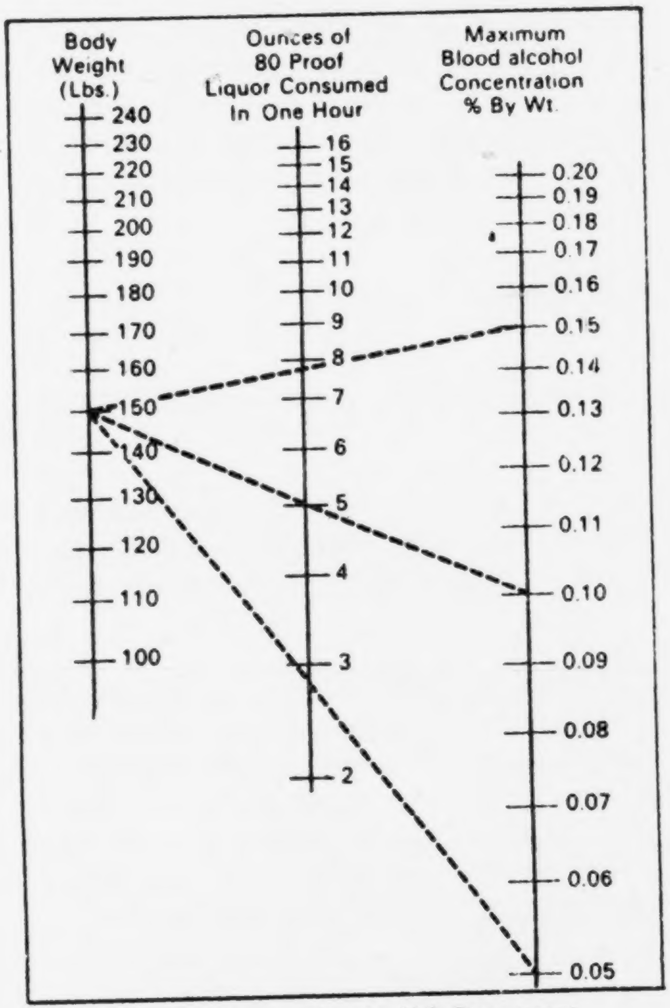
It is recommended that the search and subsequent transportation to the jail be done as quickly as possible. Expedient action will decrease the possibility of spectators becoming agitated over the search and arrest of a woman. It is further recommended that the search be conducted next to a building or doorway so that it will be viewed by as few citizens as possible.

APPENDIX 57

ESTIMATED AMOUNT OF 80 PROOF LIQUOR NEEDED TO REACH APPROXIMATE GIVEN LEVELS OF ALCOHOL IN THE BLOOD

"EMPTY STOMACH"

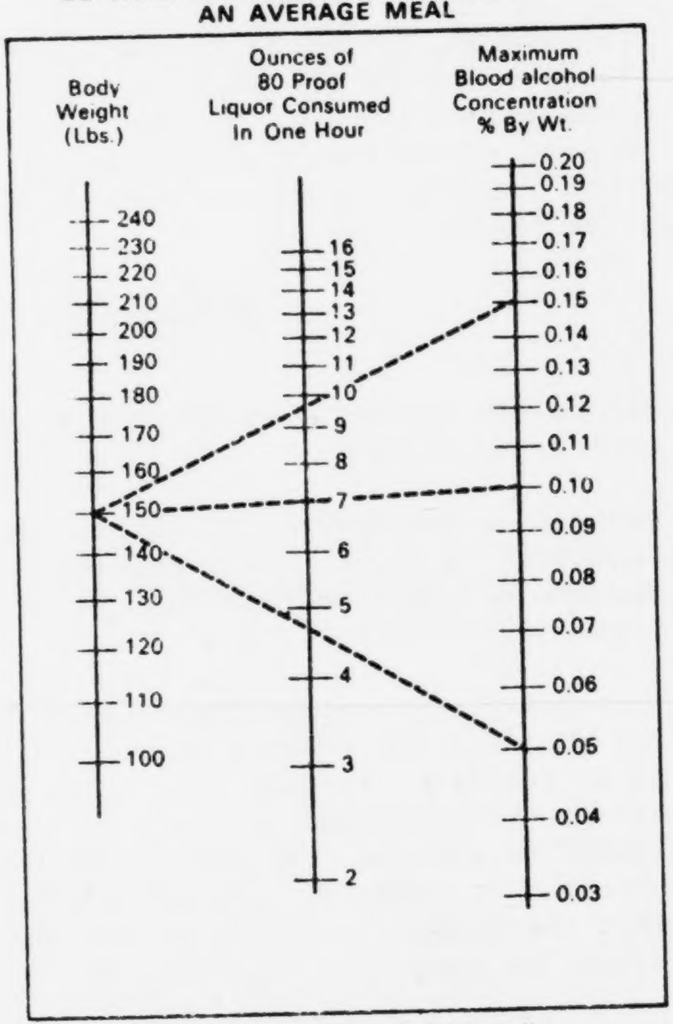
DURING A ONE-HOUR PERIOD* WITH LITTLE OR NO FOOD INTAKE PRIOR TO DRINKING



Adapted from a chart by U.S. Department of Health, Education and Welfare

"FULL STOMACH"

DURING A ONE-HOUR PERIOD* OCCURRING BETWEEN ONE AND TWO HOURS AFTER AN AVERAGE MEAL



Adapted from a chart by Royal Canadian Mounted Police

The examples above show the approximate average amount of 80 proof liquor a 150 lb. person would have to consume in a one-hour period to reach 0.10%, the percentage-weight of alcohol in the bloodstream which presumes a driver to be intoxicated.

To determine the approximate average number of ounces of 80 proof liquor needed in a one-hour period to reach 0.10%, draw a line from BODY WEIGHT to 0.10%. The line will intersect the average number of ounces needed to produce 0.10%. Follow the same procedure to determine the amount of liquor needed to reach other blood-alcohol concentrations, such as 0.05%, 0.15%, etc.

Charts show rough averages only. Many factors affect the rate of alcohol absorption into the bloodstream. Amount of food consumed, kind of food and drink consumed, and percentage of fatty tissue in the body, for examples, can vary blood-alcohol concentration values.

*The rate of elimination of alcohol from the bloodstream is approximately 0.015% per hour. Therefore, subtract 0.015% from blood-alcohol concentration indicated on above charts for each hour after the start of drinking.

SUGGESTED FUNERAL PROCEDURE (BROTHER OFFICER)

Preliminary Arrangements

The officer in charge of the funeral, the commander of the escort, the funeral director and the superintendent of the cemetery or his representative visit the places involved and make careful arrangements before the time set for the funeral. They should determine the positions at the chapel and grave. Consider and prepare for all the various elements of the funeral and make arrangements for traffic control.

FUNERAL WITH CHAPEL SERVICE

a. Before the beginning of the service, the funeral escort is formed in line facing the chapel.

b. Members of the immediate family, relatives and friends of the deceased are requested to enter the chapel and be seated before the casket is taken in. Members of the immediate family and relatives occupy front seats on the right of the chapel.

c. The conveyance bearing the remains to the chapel should arrive in front of the chapel a few moments before the time is set for the service. When all is in readiness to move the casket into the chapel, the person in charge brings the uniformed officers to attention and orders a hand salute. The casket is removed from the conveyance by the active pallbearers and carried between the ranks of honorary pallbearers and uniformed officers, if any, into the chapel. As soon as the casket enters the chapel the escort is given "at ease."

d. When honorary pallbearers are present, they are formed in two ranks, each facing the other, forming an aisle from the conveyance to the entrance of the chapel. When the casket is inside the chapel the honorary pallbearers follow in column of twos and occupy pews to the left front.

e. When the casket has been placed upon the church truck, two active pallbearers push the truck to the front of the church while the other active pallbearers move to the vestibule and await the termination of the church service. If there is no church truck, the active pallbearers carry the casket to the front of the church as instructed by the chaplain before the service. When no honorary pallbearers are used and if the active pallbearers are selected friends of the family, they may, if desired by the family, occupy the pews to the left of the church.

f. After the chapel service, the honorary pallbearers (if present) precede the casket in column of twos as the two active pallbearers push the church truck to the entrance of the chapel. The honorary pallbearers again form an aisle from the entrance of the chapel to the hearse. As the casket approaches the exit, followed by the family group, the uniformed officers are called to attention and ordered to hand salute until the casket is placed into the hearse. The family group remains at the chapel exit until the honorary pallbearers have broken ranks to enter their conveyances. The members of the family group then are guided to their conveyances. The funeral procession then proceeds to the cemetery.

g. At the grave the honorary pallbearers and uniformed officers are lined up facing each other, forming an aisle in view of the next of kin, as near as practicable to the grave. As the active pallbearers remove the casket from the hearse the men are called to attention and ordered to hand salute. The casket is preceded by the chaplin, cemetery director or funeral director as the active pallbearers bear the casket between the ranks of honorary pallbearers and uniformed officers. As soon as the casket has passed, the honorary pallbearers face toward the grave and follow the casket in column of twos, followed by family and friends. The active pallbearers upon reaching the grave place the casket on the lowering device. They remain in place facing the casket. When the casket is placed on the lowering device the honorary pallbearers and uniformed officers are ordered to parade rest. The chaplain then conducts graveside services. At the conclusion of graveside services the active pallbearers face right or left together and march away from the grave in column of twos. The honorary pallbearers and uniformed officers remain in position until the family begins to move away from the grave or upon command by officers in charge.

THE ALCOHOLIC

Of all the problems coming to your attention as a police officer, probably the most frequent are those where the use of alcohol is involved. There are about seventy million people in the U.S. who drink either occasionally or frequently. Of these, there are some who drink as an escape from life, or to make themselves feel more confident and comfortable in social situations.

Many of these come to depend more and more heavily on alcohol so that after a while they feel they cannot get along without it. They become the uncontrolled drinkers—the alcoholics. There are about five million alcoholics in this country. They are to be found in all stratas of society—the rich, the poor, the middle class and the intellectually elite.

Alcoholism is not just a bad habit; it requires medical treatment. It is most likely to occur in people who for some reason have not matured emotionally. There may also be physical differences in people which cause some to respond to alcohol in a fashion different from others, and they therefore become alcoholic.

Detoxification centers for alcoholics are springing up and much good is being done. Alcoholics Anonymous ("AA") is an organization that helps alcoholics by giving them encouragement and a motive for giving up alcohol and rebuilds their self-respect. Al-Anon Family Groups is a new organization formed to help the families of alcoholics.

Almost every day the police officer comes in contact with problems in which alcohol plays an important part. For example, the respected citizen who is ordinarily a normal drinker goes to a party and because he is tired, or ill, or it is a great occasion, he drinks too much. His judgement is lessened; he tries to drive home. Something happens: a red light is passed, his car is weaving on the road, an accident occurs. He has broken the law and is held responsible since alcohol is no defense at law.

How does the officer handle such a situation? He can be tough or easy or careless. Or he can be thoughtful, understanding, polite, and careful of the welfare both of the people he is sworn to protect and of the individual who is in the wrong. If the breaking of the law has been minor, too tough a policy may work an unjust hardship on the man and his family. The usefulness of a productive, valuable citizen may be reduced. Also, respect for the law if too radically applied may be lowered.

Obviously no rules governing every situation can be laid down, but applying the following will result in justice being done in such cases: Learn the facts, and make use of mature judgment rather than a blind application of the rules. This kind of approach gains the wholehearted support of the public for law enforcement agencies.

Sometimes a man who has been drinking for many years will develop wrong attitudes or delusions. For instance, he may think that his wife is having an affair with another man. He may tell convincing stories which have no basis in fact about his wife's actions, and make life troublesome for her. He may convince everyone—even his clergyman, his lawyer, and the police—that his statements are true. Such ideas are most apt to develop in the minds of men who themselves have been unfaithful or, because of drinking, are no longer able to perform the role of husband.

The police officer has other and more serious problems with alcohol. He may be called to help control the person who has gone berserk on a few drinks of liquor. There are some people who lose all mental control when they take a couple of drinks. (The same thing may happen with small doses of drugs or sedatives.) They become excited, sometimes violent, and sometimes dangerous. These people should never drink at all, but often do, because even when sober they are emotionally unstable. They are at least temporarily irresponsible, and should be handled like any mentally ill person and seen by a physician.

One of the most frequent and difficult conditions the police officer has to handle is the person with the D.T.'s (delirium tremens) sometimes called the "shakes", the "tremors", the "rams" and other names. The victim is always an alcoholic who has been drinking heavily for years. With the D.T.'s the person becomes delirious, confused as to time and his location and imagines he is seeing terrifying things. He may think he hears things too. In addition, he has severe tremors. His tongue, his hand—even his whole body—shakes.

Delirium tremens is an acute medical condition. The person should be taken to the hospital or doctor at once. If he doesn't receive medical treatment quickly, he may die. He should be closely watched and restrained because sometimes, in trying to escape from the horrible things he thinks he sees, he may attempt suicide.

A similar condition which doesn't come on quite so rapidly, is called acute hallucinosis. In this condition the person who has been drinking heavily for a long time begins to see and hear things, but knows what is going on around him, and doesn't have the "shakes." This lasts much longer than D.T.'s but also responds to medical treatment.

Alcoholics take up a large amount of the police officer's time. Although no satisfactory solution for the problem has yet been found, some progress has been made in the physical and psychiatric treatment of the condition. Alcoholics Anonymous has done much and research is being carried on in many centers.

If you remember that the alcoholic is mentally and physically sick your treatment of him will be more humane and you may be able to help many who would otherwise drift into complete uselessness. The methods of dealing with intoxicated persons are basically the same as those for handling the mentally ill.

APPENDIX 60

SEX TERMS AND HOMOSEXUAL JARGON

ADAMISM: Exhibitionism in the nude.

AUNTIE: Homosexual older than 30 years. Sometimes referred to as one whose sex life is greatly reduced because of age.

BEAST: A homosexual who is disliked by other homosexuals.

BEASTIALITY: Sexual intercourse with animals.

BELLE: One who performs acts of oral copulation on other males.

BELLY-WHOP QUEEN: A homosexual who attains orgasm through physical genitalia against the naval or breasts of the participant.

BENNIE: Male sexual deviate who commits cunnilingus.

BISEXUALITY: Erotic inclinations toward both sexes existing in one individual; partaking of both homosexual and heterosexual desires.

BLACK VELVET QUEEN: Delights in masturbation especially before a mirror.

BLOW-JOB: Oral copulation.

BLUEBERRY PIE: Reference to a homosexual.

BONE QUEEN: Homosexual who specializes in the act of fellatio.

BULL-DYKER: A female with an enlarged clitoris who takes the part of the male in sexual acts with another female.

BUTCH: (female) Lesbian who acts as the active partner, and who gives the appearance of a male, effecting mannish attire and short hair; who is the masculine partner in a homosexual act between two females. Other names are Wolves, Johnnies, Dukes, Top Men, Dykes.

BUTCH: (male) An expression used by homosexuals in description of male companions who have desirable masculine characteristics.

CAMP: Gabfest held by homosexuals, usually gossip of subjects of the homosexual set and items of interest; a "camp" is a "gay person" very "gay."

CAMPING EXPRESSIONS: (Expressions or terms used between homosexuals)
"I've got something for you."
"Well, get you."
"Mary."
"We can't all be truck drivers."
"Nellie."
"Oh, grab my bird."
"Jesus, my beads."
"What do you go for?"
Clatch, used as "Oh, you old Clatch."
Romp or Rompy - expresses a good time or having laughs, such as, "We had a Rompy time."

CIRCUS: Three or more persons of the same or opposite sex engaged in a sex orgy upon each other at the same time.

CANDY MAKER: One who likes to masturbate another and consume the semen.

CHICKEN OR QUAIL: A young boy.

CHICK: Feminine female.

CHICK-VOT: A pair of female homosexuals; such as, "It's a CHICK-VOT set up."

COME OUT: DEBUT: Realization of homosexuality of an individual. A party at which new homosexuals are introduced to the other homosexuals of the community.

COPROPHILIA: Erotic satisfaction derived from defecation, especially its odor.

COTTAGES: Latrines, toilets.

CRUISING: Picking up "trade" or man for possible pervert act.

CRUISE: Looking for a pickup or trying to make a femme or order.

APPENDIX 60 (cont.)

CUNNILINGUS: Oral copulation of the female sex organ.

DEIL-DO: A false penis used in a homosexual act between females.

DRAG: To dress as a man.

DYKE: One who lies upon another female in the manner of a man, rubbing her private parts against the other woman's. Sometimes uses a false rubber penis fastened around the body of one female to use on the other female. One who takes the male part between two homosexual females.

EAGLE-QUEEN: Desire defecation on his face and chest.

EONISM: Transvestitism, or a sexual perversion characterized by an impulse to dress in clothing of the opposite sex.

EXHIBITIONISM: Exposure of the genitals for sexual gratification.

FAGET-FAGOT: A homosexual; can be either a belle, queen, auntie, or trade, etc.

FAIRY: A male homosexual who takes the feminine part.

FELLATIO: Oral copulation of the male sex organ.

FEMME: Female taking the other part in an act with dyke or lesbian. One who takes the female part between two female homosexuals.

FETISHISM: Sexual abnormality creating sexual stimulation or gratification through some article such as panties, candles, gloves, hosiery, etc.

FIFTH WHEEL: A normal in a group of homosexuals.

FRENCHIE: A lesbian.

FRENCH JOB: Oral copulation act.

FROTTEURS: Male who rubs or presses against the buttocks of a male or female. A form of masturbation or buttock fetishism.

FRUIT: A queer, a male homosexual, a pervert.

GAY: A homosexual who acts like one outwardly, such as wearing make-up, etc. Also called Fag, Gazelle, Pansy, Fairy, Dear, Punk Girl.

GAY TRADE: Homosexuals who make themselves available to other homosexuals for acts of perversion; "Gay" persons who act as passive partners in sexual relations with other homosexuals.

GOLDEN SHOWER QUEEN: One who likes to be urinated upon.

HETEROSEXUALITY: Normal sexual attraction to opposite sex.

HOLD COURT: A very "gay" person being in complete control of a "gay" situation in a "gay" bar or other public place; homosexual in complete control of homosexual gathering; homosexual party.

HOMOSEXUAL: Perfers sexual relation with members of same sex; often manifested by sodomy, pederasty, lesbianism, and copulation.

HUSTLER: Male prostituting; making rounds in bars or busy street corners.

INCEST COMPLEX: Desire for sexual relations with near relative.

JAM: Used by homosexuals in referring to a normal person.

KICKS: Orgasm

LESBIAN: A woman who practices homoerotic perversions.

LET YOUR HAIR DOWN: To admit being a homosexual by verbal means.

MASOCHISM: Obtain sexual satisfaction through pain or degradation.

MASTURBATION: Causation of sexual excitement through manual manipulation of the genitalia.

MILLIE, TILLIE, MAE, HEAT, FUZ: A police officer.

MISS: A prefix affixed to the surname of a male homosexual.

MOTHER: Reference to himself with which an older "gay" person gives advice to a younger; sometimes used with a gossipy connotation about himself; leader of a homosexual group.

MUFF DIVER: One who commits cunnilingus.

NECROPHILIA: Sexual intercourse with the dead.

NELLY: A homosexual; very gay and effected.

NYMPHOMANIA: Over-sexed female.
ORDER: Same as femme.
OEDIPUS COMPLEX: Sexual attachment to parent of the opposite sex; sexual attachment of son to the mother.
ORALISM: Sexual pleasure obtained through use of mouth on sex organs.
PEASANTS: Persons of normal sex habits who know nothing of homosexuals or homosexuality. People usually unaware of the "gay" work; or those who have not knowledge or understanding.
PEDERASTY: Sodomy between males, especially as practiced by a pervert with a boy.
PEDOPHILIA: Choosing child or adolescent as the sexual object.
PERVERSION: Deviation of the sexual impulse from its normal goal.
PERVERT: One who indulges in unnatural sexual acts or fantasies.
PICCOLO PARK: Public park used as a meeting place for homosexuals.
PICCOLO PLAYER: Oral copulation contact on male.
PUSSY BUMPER: A dyke, sometimes called Mammy Rider or Bull Dyker.
QUEEN: One who enjoys having acts of sodomy committed on him.
QUEEN MOTHER: Leader of a gay set. Usually a little older but not necessarily, depending on situation. May have had homosexual relations with all members of her set.
QUEER: Homosexuals usually of low class and habits; also used to refer to any sex deviate, homosexual, or pervert.
REAMER: Uses his tongue and lips on the rectum.
REPERTOIRE: A list of those with whom a homosexual has had sexual relations.
ROUGH TRADE: Laborers, or other persons of the rough element, whose company is sought by certain types of homosexuals who enjoy sexual relations with the most manly type that can be had.
SADISM: Sexual pleasure through hurting or humiliating others.
SAPPHISM: Mutual masturbation or cunnilingus practiced by females.
SATYRIASIS: Over-sexed male.
SCREAMING BITCH or FLAMING BITCH: An exhibitionist who outwardly proclaims his homosexuality and his homosexual intentions.
SEA FOOD: Homosexuals in the Navy; or referring to a desire to pick up a sailor.
SERVE: Pertaining to the act of gratifying another's sexual desires.
SEVENTY-ONE: (71): Intercourse by anus.
SIXTY-NINE: (69): Oral-genital sexual activity simultaneously between two males, two females, or between a male and a female.
SHADRACK: Negro homosexual.
SHOP: Homosexual in search of sexual companions.
SODOMY: Sexual intercourse in any of certain unnatural ways; intercourse per anus; the infamous crime against nature; intercourse with animals.
SOIRE: Party attended by "gay" crowd.
SQUARE: A normal person.
SWISH or SWISHEY: Slang for a homosexual who acts like a homosexual outwardly, such as walking like a woman, wearing make-up, etc. A homosexual with very effeminate ways.
TO COME FOR TEA: To go with someone for homosexual activities.
TOILET QUEEN: A homosexual, usually a male, who loiters about public toilets attempting to make contacts.
TO RAISE A QUEEN: To find out or bring out the fact that a person is a homosexual by making a remark to the person causing him to make a "gay" or "fruit" remark.

APPENDIX 60 (cont.)

TRICK DAY: A day that two married homosexuals are free to go with someone else for the one night. The frequency of these depend entirely on the agreement reached by the two married homosexuals.

TRANSVESTITISM: Eonism; the desire to assume role of opposite sex.

TRIBADY: Intimate homosexual relationship between females.

TRIOLISM: Form of exhibitionism; subject desires to perform sex act with several partners or in the presence of several persons.

UROLAGNIA: Person sexually aroused through sight and odor of urine.

VOYEURISM: Desire to witness sexual practices.

VOT: A Butch - the male-acting female.

WHORE: A derogatory term used by homosexuals to indicate promiscuity; also a homosexual who engaged in such acts for pay; referred to as an over-indulgent homosexual.

WOLF: A person who preys on homosexuals, or a homosexual who is unusually aggressive in his search for a partner. The active partner in an act of sodomy.

ZOOPHILIA: A passion for animals; erotic sex relations with animals.

NUMBERS OPERATION

Numbers Book Slip. An example of a numbers receipt slip. There are fifty pages in triplicate with double carbon between the pages. Carbon is used to alleviate any change by the bettor or the writer.

RA	Nov 7 - 1964
123 - 5 456 - 5 $\boxed{789}$ - 30 $\boxed{424}$ - 15 X23 - 5	KHS
37757 - 5	60

Starting on the top line to the left appears the letter M followed by the written initials RA. This indicates the bettor's identification. To the right of this is the printed word "date" and the printed number 19. Appearing also are the written notations "Nov 7," "64." This indicates the date of the play. Below the date of the play in a printed box are the initials KS. These initials are the identification of the writer.

In the body of the slip appear the notations 123 - 5, 456 - 5, which means that a person identified by the initials RA has wagered five cents on the number 123 and five cents on the number 456.

Directly below these wagers appears the number 789, enclosed in a box, followed by the number 30. This means that the same bettor has wagered five cents on any of the six combinations that can be made with the numbers 7, 8, and 9. This bet would cost the bettor thirty cents -- five cents for each combination. This is called a "boxed" number and is written this way to save space and time in writing the wager. Directly below this wager appears another boxed bet -- 424 for 15 cents. Only three combinations can be made from a three-digit number wherein one digit appears twice. Therefore, the wager will be fifteen cents.

Policy. The lottery known as POLICY is based on a drawing of the numbers 1 through 78. The winning numbers are drawn, printed, and distributed twice daily. These drawings are usually held between the hours of 1 and 2 A.M. for the A.M. drawing, and between 8 and 9 P.M. for the P.M. drawing. Generally speaking, the only persons present at the drawing are the chief agent and a witness, who is usually a Policy writer. The drawing occurs as follows: Numbered balls are placed in a receptacle. There are 78 balls numbered consecutively from 1 to 78. Twelve numbers are drawn and are jotted down to appear in the order in which they are drawn on the "result slip." These are replaced and another twelve are drawn, which are likewise written down. Most companies will also show a middle column on their result slips. This middle column may show from 6 to 12 numbers depending on the company involved. These numbers are drawn in the same manner as those for the two outside columns. There may also be a special three-number drawing which will appear at the bottom of the result slip. The drawings occur daily except Sunday.

The Writer. A person who accepts the bettor's wagers or plays will record them on almost anything. This play will later be transferred to a Policy Writer's book. There are two copies of the wager in the writer's book. The original copy of the wager will go to the Policy Office, via a routeman. The writer receives 25% of all wagers taken by him. He also receives 10% of all winning plays. The writer turns in the wagers that he has accepted from the bettors to a routeman who picks up the action twice daily.

The Routeman. A very trusted employee of the company whose job is to pick up the action from the Policy Writer and to distribute the result slips to the writer. The routeman works for a salary and/or a 10% commission of the action that he picks up on his route. He keeps a record of the action that he has picked up. This record or route slip will contain the route number, the initials of the companies that he is working for, the identification number of the writer, the amount received from the writer, and any "hit" that might have been made and paid to the writer. The vehicle that the routeman will use is sometimes owned by the Policy company. The routeman employed by a company will meet a sub-agent at a prearranged location after their routes are completed. Here they will count money and check the accuracy of the slips and then the sub-agent will take the action to the Policy Office.

At the office the sub-agents will check the writers' slips against the route slips, and the route slips against the money, and allowances for prior winnings. If there are any discrepancies the routeman is notified and he in turn notifies the writer of the error.

The owner of a Policy Wheel or company is usually an old pro at the vice rackets. He must have a large bank roll to back Policy. He may be engaged in other legitimate businesses such as cafes, construction companies, real estate, bars, etc. He usually stays in the background and lets the sub-agents do his dirty work. One policy owner is reported to have grossed over $1,000,000 a year. The money that is taken in by the owner is put back into other illegal activities such as vice, narcotics, and bribes -- sometimes other legitimate businesses.

Other persons who are employed by the company are printers and telephone "call in" operators who receive notifications of winning plays from the writers.

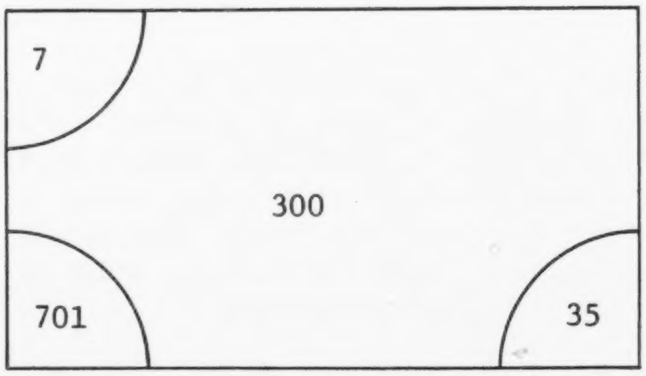
The Policy printer. Prints result slips on the winning numbers twice a day. He gives the result slips to an agent who in turn gives them to the routemen. A printer might also be a routeman.

The "call in." Operator who receives telephonic notifications of all winning plays from the writers. The operator then relays all of the information to the office for accurate checking.

701	R7 C28	PD
1	7 - 50 - 3	10
2	3 - 71 - 75	10
3	45 - 23 - 60	10

(1) Policy Book Slip. On the top line starting from left to right is the number 701. This number indicates the book number and the writer's identification. Next is the letter R and the number 7. This indicates that writer 701 is on route number 7. To the right of this is the letter C and the number 28. This indicates Class 28 or the date and time of the drawing. Next are the letters PD, which is an abbreviation of the policy company PAY DAY.

Under the horizontal heading is a vertical column of numbers listed consecutively. These numbers indicate the play number or the identification of the bettor. To the right of these numbers and in the middle portion of the slip are the plays that have been made by the bettors. To the right of these numbers and in the last column appear the amounts wagered on each particular play.



(2) Writer's Tally Sheet. The tally sheet is a piece of paper that contains written notations of the amount of money that is to be turned over to the routeman by the writer, the book number of writers' I.D., the class number of that particular drawing, and the route number.

In the upper left-hand corner is the route number; the lower left-hand corner the writer's I.D. or book number; the lower right-hand corner the Class number; and in the middle the amount of money turned in by the writer (lacking in decimal points). The amount of money shown on the slip is the amount after the writer's 25% commission is deducted. Not all tally slips are the same. There are many variations of the above example which might or might not show all of the components of the above example.

(3) Policy Route Slip. A "Route Slip" for the lottery known as Policy is a record kept by the "routeman" of the amount of action that he has collected on his route. This slip shows in the upper left-hand corner the number 7. This indicates route #7. Directly to the right of that are the initials P.D., K.R., and B.R. These letters indicate that this routeman is picking up the action for the policy companies PAY DAY, KINGS'S RANSOM, and BURMA ROAD. Directly under the route number is a column of numbers listed vertically. These numbers indicate the book number of writer's identification. To the right of the number 701 we

see the notation 300 which is directly underneath the column P.D. This means that writer number 701 has turned in $3.00 on the company PAY DAY. On the line below the last writer's identification number appears the numbers 1580, 2790, 4000. These are the amounts collected by the routeman on the companies shown in their respective columns. Below these numbers appear the total amount collected by the routeman (83.70).

7	PD	KR	BR
701	300		
702	520	1500	1080
703	360	430	1120
704	180	710	800
705		100	355
706	220		645
	1580	2790 8370	4000

(4) Policy Result Slips. A policy result slip appears at the right. These slips are printed twice daily and are distributed by the routemen. On these slips appear the winning numbers in the order that they are drawn.

PAY		DAY
	Class 28 A M	
	-R+0-	
31	M	22
2	9	8
17	4	10
76	12	13
25	19	3
24	3	76
6	54	17
12	46	29
14	26	44
1	15	51
19		11
47		78
	T	
	49 - 3 - 72	

On the top line appears the words PAY DAY which indicates the name of the policy company. The name of the policy company will always contain two words. The left outside column is given the identification of the PAY column. This is so that the bettor may make a wager on a particular column if he chooses to do so. On the next line appears Class 28 AM. This is to identify the date and time of this particular drawing.

Next appears the letters RO. This means route out and notifies the bettor that the action for this particular drawing has been confiscated by the police and that all plays made on that drawing are void. The company will refund the money to the player if his route number appears below the RO.

On the left side of the slip appears twelve numbers listed vertically. This is called the PAY column. The twelve numbers appearing here are the first twelve numbers drawn and appear in the order that they are drawn. These numbers are replaced and then twelve numbers are drawn in the same manner for the right outside column or DAY column.

The middle column of numbers (if there is a middle column) varies between 6, 9, and a double row of 6 (12) dependent upon the policy company involved. This middle column is used for special plays and is used independently of the other outside columns.

The 3 numbers shown across the bottom is a special play and the numbers played have to be played in the proper sequence (sequence in which they are drawn) for the bettor to win. This special drawing can be called many names (again dependent upon the company) such as: "Derby," "T," "CH," etc.

Read and discuss sections 2915.01 thru 2915.37.

APPENDIX 62

SPELLING

Compound words form their plurals by adding s to the principal word.

son-in-law	sons-in law
step-father	step-fathers
editor-in-chief	editors-in-chief

Words derived from a foreign language usually retain their foreign plural forms. Sometimes two forms are permissible.

us changes to i	alumnus	alumni		
a changes to ae	alumna	alumnae		
um changes to a	memorandum	memoranda	curriculum	curricula
on changes to a	phenomenon	phenomena	criterion	criteria

WORDS MOST COMMONLY MISSPELLED IN POLICE REPORTS

A

absorb
abduction
absurd
accept
accessories
accident
accommodate
accompaniment
accumulate
accurate
accustom
ache
achievement
acknowledgment
acquaintance
acquainted
acquitted
across
additional
adjust
admission
adultery
advantageous
advertisement
advice
advise
affidavit
affirmative
aggravate
again
airplane
aisle
alcohol
alimony
allotment
all right
alternative
although
altogether
always
amateur
ambitious
among
amputation
amusement
analyze
analysis
anniversary
announce
annual
annulment
answer
antique
anxiety
anxious
apologize
apparatus
apparel
apparent
appearance
application
appreciation
appropriate
arson
arrangement
artificial
assembly
assistance
associate
assortment
athletics
attendance
attribute
authentic
authoritative
automatic
auxiliary
awkward

B

bacteria
ballot
bandage
beginning
behavior
benefited
bequeath
bicycle
bigamy
blackmail
bookkeeping
bouquet
breadth
brevity

Basic Police Report Writing

brief
built
bulletin
buoyance
burglary
business

C

calendar
campaign
candidate
carrying
cashier
casualty
casualties
catastrophe
ceiling
cemetery
censor
cereal
character
chauffeur
choose
circle
circumference
circumstance
citizen
coercion
coincide
collar
collision
colonel
color
column
coming
commercial
commission
committee
committed
committing
community
competition
complainant
complexion
compulsory
conscience
conscientious
conscious
conspicuous
conspiracy
construction
contagious
continue
convenience
conviction
cooperate
corporation
corps
corpse
correspondence
cough
could
counterfeit
country
coupon
courteous
creditor
criminal
criticism
customary
cylinder

D

deceased
deceptive
decision
defensive
definition
delegate
demonstration
dependent
descendant
description
desperate
device
diagonal
diaphragm
different
dilapidated
disappear
disappoint
disastrous
discipline
discrepancy
dispatched
disperse
disposition
disease
dissatisfy
dissipation
distinction
divide
doesn't
drunkenness

E

early
easy
eight
electricity
eligible
eliminate
embarrass
embezzlement
emergency
employment
enemy
enough
enthusiasm
environment
equipment
equivalent
especially
etc.
every
evidence
exaggerate
except
exercise
excuse
existence
experience
explanation
expression
extortion

F

fabric
facilitate
familiar

Basic Police Report Writing

loose
lose

M

maintain
maintenance
magazine
majority
malicious
management
maneuver
manual
many
margin
marriage
masculine
maturity
meant
medal
medical
meditate
memorize
microphone
mileage
miniature
minority
minute
miscellaneous
mischievous
misspell
modernize
monotonous
morale
mountainous
murmur
muscle
museum

O

obligation
obscure
obstacle
occasion
occupant
occurrence
occurred
odor
offense
offensive
official
often
omission
once
opinion
opponent
opportunity
opposite
optimism
orchestra
outrageous
overrun

P

painful
pamphlet
paragraph
parallel
parenthesis
partial
participate
pasteurize
pastime
patience
pedestrian
penalize
perform
perhaps
peril
perimeter
persecute
permissible
perseverance
personal
personnel
persistent
perspiration
persuade
perversion
physical
physician
picnicking
polygamy
pleasant
pneumonia
possess
possession
posture
practical
practice
precise
prediction
predicament
preferable
prejudice
preliminary
premises
preparation
prescription
presence
prevalent
privilege
procedure
progress
pronounce
pronunciation
prophecy
proposition
prosecute
prostitution
psychology
publicity
pulse
pursuit

Q

quaint
quality
query
questionnaire
quiet
quinine
quite
quotient

R

racial
raid
raise
ratio
ration
readily
realize

APPENDIX 62 (cont.)

Spelling

fascinating
faucet
February
feminine
fibers
fictitious
finally
financial
forcible
formula
forty
fourteen
fraudulent
friend
fulfill
furniture

G

gambling
gauge
genuine
government
gratification
grievance
guarantee
guard
guessed
guest
guidance
gymnasium

H

half
handkerchief
haughty
hazard
height
hereditary
hideous
holiday
homicide
horizontal
humane
humiliate

I

ideal
ignorance
illiterate
imaginary
imagination
immediately
imminent
impatient
imperfect
implement
impromptu
impression
inadequate
inaugurate
incessantly
incidentally
incomparable
incorrigible
incredible
indecent
indefinite
independent
indicate
indict
indifferent
individual
inevitable
infamous
informant
ingenious
ingredient
initial
imitation
inoculate
inquiry
inquisitive
inscribe
inscription
insensible
insinuate
instead
instinct
insurance
intellectual
intelligent
intercept
intersect
interrogate
interrogative
interview
intimidation
intoxication
invasion
investigation
irresistible
irrigate
isolate

J

jealous
judgment
juvenile

K

khaki
know
knowledge

L

label
laboratory
larceny
later
latter
ledger
legal
legion
leisure
lenient
length
liable
liabilities
library
license
lieutenant
lightning
likely
loneliness

APPENDIX 62 (cont.)

Spelling

really
recede
receipt
receive
recipe
recognize
recollect
recommend
recreation
reduce
reference
refuse
refutable
rehearsal
religious
remedial
remembrance
remittance
repeat
repetition
resistance
resolution
rhythm
ridiculous
rigid
robbery

S

sabotage
sacrifice
salary
salute
satisfactory
Saturday
schedule
scheme
scarcely
scene
science
scissors
scout
secretary
seduction
seize
sentence
separation
sergeant
several
shrewd
shriek
sieve
signature
similar
since
sincerely
singular
sophisticated
species
specimen
statement
statistics
statue
statute
strictly
stomach
strangulation
strategy
subject
subpoena
subtle
succeed
successful
suffocation
sugar
superintendent
supersede
suite
summons
surely
suspect
surprise
surrender
suceptible
suspicion
sympathy

T

technique
telephone
temperamental
temperance
temperature
testimony
theater
thermometer
thorough
thought
throat
thieves
together
tongue
tonight
tournament
traffic
tragedy
tragic
tranquil
translation
transpose
treacherous
treasurer
trespassing
trouble
truancy
truly
Tuesday
typewriter
typical

U

umbrella
umpire
unanimous
undoubtedly
union
until
urgent
usually
utensil
utility

V

vacancy
vacuum
vagrancy
validity
valley
vanquish
variety
vegetable
vehicle

Basic Police Report Writing

velocity
vengeance
verbal
vermin
version
vertebra
vertex
vertical
victim
victory
village
violin
visible
vitamin
vivid
volume
volunteer

W

warehouse
warrant
wealth
weather
Wednesday
weighty
weird
welfare
wholly
wiry
women
wrestle

X

x ray, n.
x-ray, adj., v.
xylophone

Y

yacht
yawn
yeast
yearn
yield
young

Z

zeal
zealous
zero
zest
zigzag
zinc

APPENDIX 63

LAW ENFORCEMENT NOTEBOOK

Suggested Pocket Notebook and Related Items:

1. Loose leaf 7 1/4 x 4 3/4 notebook
2. 100 sheets of paper horizontally lined
3. Perforated Memo - 40 sheets
4. Graph Paper - 30 sheets
5. Vertical Ruled - 40 sheets (used for wanted vehicle list)
6. Forms from appendices of Law Enforcement Learners Manual

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